

(b) (6)

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**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 8:09  
**To:** Patterson, Robin L CIV OPNAV, DNS-36  
**Cc:** (b)(6)  
**Subject:** FW: Permission to review records  
**Signed By:** (b)(6)@navy.mil

Ms. Patterson,

I received a phone call and this email from (b)(6). He is seeking aircraft accident reports from February 1969 at NAF, Naples, Italy. He was able to narrow down the location of the records through his research to a specific FRC accession. He is not associated with a Navy or other governmental entity that I am aware of. Your assistance is greatly appreciated in assisting with this request.

If you have any questions or concerns please do not hesitate to contact me.

Respectfully,

(b)(6)

(b)(6)

DON/AA Directives and Records Management Division

(b)(6)

-----Original Message-----

**From:** (b)(6)  
**Sent:** Monday, January 06, 2014 9:50 AM  
**To:** (b)(6)  
**Subject:** Permission to review records

Dear (b)(6)

Thank you for taking my call last week. My name is (b)(6) and I am an (b)(6) at the

(b)(6)

I appreciate any help you could give me in reviewing these records.

(b)(6)

(b) (6)

**From:** MacFarlane, Scott (NBCUniversal) <Scott.MacFarlane@nbcuni.com>  
**Sent:** Tuesday, January 07, 2014 8:47  
**To:** Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36  
**Cc:** (b) (6) CHINFO, (b) (6)  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** navsea foia response.pdf

Robin and Matt...

I have grave concerns to the following references to in the email you attached. (I've reattached it to this email)

- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.  
And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of Identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:21  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf; navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:56 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

It's attached....

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

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Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)  
Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035  
Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

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Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

---

Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

Dear Mr. MacFarlane:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER  
DON 2014F000383/NAVSEA 2014F000035

This is in reference to your Freedom of Information Act (FOIA) request dated December 6, 2013. Your request was received in our office on December 20, 2013.

We have determined that the information you are seeking may be maintained by the Commander, Naval Sea Systems Command (NAVSEA) located at 1333 Isaac Hull Avenue SE, Washington Navy Yard, DC 20376. Therefore, we have forwarded your request to that office for action and direct response to you.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at NAVSEA directly at (202) 781-2437. When contacting NAVSEA, please reference case number NAVSEA 2014F000035.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office



(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:21  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383 Email  
**Attachments:** FW: Media FOIA request (11.6 KB); 2014F000383 REF TO NAVSEA 1-7-14.pdf  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36  
Sent: Tuesday, January 07, 2014 8:58 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FOIA CASE DON 2014F000383 Email

Here it is.

Respectfully,

Matthew Lupton  
FOIA/PA Support  
Department of the Navy  
P: 202-685-6509  
F: 202-685-6580  
Email: matthew.lupton.ctr@navy.mil

**From:** Lupton, Matt CTR OPNAV, DNS-36  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Date:** Tuesday, January 07, 2014 8:23:00  
**Attachments:** [2014F000383 EMAIL FRM DNS-36.pdf](#)  
[2014F000383 RESP TO REQ 1-7-14.pdf](#)  
[FW Media FOIA request \(11.6 KB\).msg](#)

---

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

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Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** Hamlin, Donna M CIV NAVSEA, SEA COS <donna.hamlin@navy.mil> on behalf of NSSC\_NAVSEA FOIA <NAVSEAFOIA@navy.mil>  
**Sent:** Thursday, December 12, 2013 14:12  
**To:** (b)(6)  
**Subject:** FW: Media FOIA request  
**Attachments:** image001.gif  
**Signed By:** donna.hamlin@navy.mil

Please see the request below. Can you advise me as to how we should process.

Donna

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Friday, December 06, 2013 6:12 PM  
To: NSSC\_NAVSEA FOIA  
Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to state public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested  
then please furnish me with a timely explanation.

I am requesting:

Copies of all memos authored by any of the following employees in September, October or November 2013.

William Hilarides

William Deligne

Thomas Kearney

Bryan Exum

Patrick Geary

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4267 main newsroom

website <<http://www.nbcwashington.com/>> | vCard

<<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf>> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,-95.677068&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15>>

| email <<mailto:scott.macfarlane@nbcuni.com>>

Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

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Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:**  
**Sent:**  
**To:**  
**Subject:**

(b)(6)

Tuesday, January 07, 2014 9:11  
DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36  
Fwd: Freedom of Information Act request

Hello,

I'm writing to follow up on my FOIA request of Dec. 2, 2013. I have received the requested data from the Army and from the Air Force, but I still haven't received anything from the Navy. Is there someone else I should contact?

Many thanks,  
Adrienne

----- Forwarded message -----

From: (b)(6)  
Date: Mon, Dec 2, 2013 at 4:47 PM  
Subject: Freedom of Information Act request  
To: DONFOIA-PA@navy.mil, Robin.Patterson@navy.mil

Good morning,

I'm writing with a request for records under the Freedom of Information Act. I'm trying to track the number of sexual assaults reported by Hawaii military and civilian personnel over the past two decades.

I'm looking for a year-by-year breakdown of the number of Hawaii sexual assaults reported by the Navy from Jan. 1, 1992 through December 2013.

For the purpose of this request, I'm using the UCMJ definition of "sexual assault," which can refer to a range of crimes including but not limited to rape, sexual assault, nonconsensual sodomy, aggravated sexual contact, abusive sexual contact, and attempts to commit these offenses.

Please feel free to reach me on my cell phone with any questions about this request: 808-388-6878.

Many thanks,  
Adrienne

--

--

Adrienne LaFrance  
Reporter  
Text or call: 808-388-6878  
Skype and Twitter: AdrienneLaF <<https://twitter.com/AdrienneLaF>>



--

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Adrienne LaFrance  
Reporter  
Text or call: 808-388-6878  
Skype and Twitter: AdrienneLaF <<https://twitter.com/AdrienneLaF>>

(b) (6)

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 9:17  
**To:** Lupton, Matt CTR OPNAV, DNS-36  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6)  
(b)(6) CHINFO,  
(b) (6)  
**Subject:** FOIA update  
**Signed By:** (b)(6)@navy.mil

Matt: It's come to my attention that a FOIA request was received from NBC. As the FOIA POC for the Task Force, please ensure I receive copies of all FOIA requests received, as well as any reviews conducted, etc., and updated copies of the FOIA tracking log. These remain "significant" FOIAs with respect to processing.

Many thanks and V/R, (b)(6)

(b)(6)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT: This email and any attachments are privileged, intended only for the addressee or designee, and nonreleasable outside DoD channels absent prior sender authorization. If received in error, please delete.

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Tuesday, January 07, 2014 9:25  
**To:** (b)(6)  
**Cc:** Shaw, Phyllis CIV OPNAV, DNS-36C; Patterson, Robin L CIV OPNAV, DNS-36; Muck, Steve CIV SECNAV, DON CIO (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf; navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil  
  
**Importance:** High

Robin:

I just tried to call. When you get a chance I would like to discuss this incident with you. I Just got off of the phone with Scott MacFarlane @ NBC. He is not happy with the attached document(s) that was forwarded to him via email. Matt in error attached your internal email to Donna regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. our response letter to him.

Mr. Macfarlane asked to speak to our FOIA Policy Officer. I provided him with Steve Muck's name and number. I called Steve and gave him a heads up regarding Mr. Macfarlane's concern regarding our comments about him being on a "fishing expedition" and that he believes this would make a great story for the news.

Matt just advised me that he received a follow-up email from Mr. Macfarlane in which I will forward to you shortly.

Talk with you soon.

Most Respectfully,

Phyllis

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:56 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

It's attached....

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell

202-885-4506 direct

website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of Identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
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CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil> on behalf of Patterson, Robin L CIV OPNAV, DNS-36 <robin.patterson@navy.mil>  
**Sent:** Tuesday, January 07, 2014 9:31  
**To:** (b)(6) Muck, Steve CIV SECNAV, DON CIO  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil  
**Importance:** High

Follow-up from Mr. MacFarlane.....

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:47 AM  
To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36  
Cc: (b) (6) CHINFO, (b) (6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin and Matt...

I have grave concerns to the following references to in the email you attached. (I've reattached it to this email)

- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.  
And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

-----Original Message-----

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Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

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(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

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Head, DON FOIA/PA Program Office



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**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
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FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Muck, Steve CIV SECNAV, DON CIO  
**Sent:** Tuesday, January 07, 2014 9:41  
**To:** Patterson, Robin L CIV OPNAV, DNS-36  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** steven.muck@navy.mil

Robin, thanks for the email. Am standing by for a call. Hope it can be handled here and we can move on.

Steve

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b)(6) CHINFO, (b)(6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell

202-885-4506 direct

website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

-----Original Message-----

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Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Sent:** Tuesday, January 07, 2014 10:11  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: NAVSEA FOIA tracker - additional data requested  
**Signed By:** mary.p.shaw@navy.mil

-SA-

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 9:09 AM  
**To:** (b)(6) Patterson, Robin L CIV OPNAV, DNS-36  
**Cc:** (b)(6) OPNAV, DNS-36; Hamlin, Donna M CIV NAVSEA, SEA  
(b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** RE: NAVSEA FOIA tracker - additional data requested

Sir,

I will reach out to DON CIO and EPA to determine where the CD should go.

DNS has previously voiced their concern over the migration to FOIA Online with NAVSEA Tool already meeting our needs and the timeline which does not allow any real "beta" testing to ensure the new tool meets DONs needs.

DON acknowledged our concerns and has decided to continue the migration. There is no further discussion for DNS at this point. We will execute the migration as directed.

I appreciate your support and patience with the process.

V/r,

(b)(6)

-----Original Message-----

**From:** (b)(6)  
**Sent:** Monday, January 06, 2014 4:01 PM  
**To:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) OPNAV, DNS-36; Hamlin, Donna M CIV NAVSEA, SEA  
**CO:** (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: NAVSEA FOIA tracker - additional data requested

Robin,

I have the final submission of data from the NAVSEA Tracker system in the format requested by the EPA software engineers. I really have tried to avoid this incremental approach due to the labor cost to keep going back and forth. I

asked Steve Muck on the 16th of December where and when I could deliver the final data dump but he offered a conference call in mid-January instead. So I'm confused a bit here. I would like to give you the CD of data and get out of the middle of this migration effort. This way DONCIO has it all and they can be responsible for its parsing, migration and validation.

Just to be clear, the incorporation of the functionality (I believe) being replicated into the EPA system has blown the cost estimates used to justify the decision. The development funds being expended are unfortunate. The worst part is that they aren't even close to asking all the right questions.

Robin, please confirm that you are willing to take possession of the FINAL deliverable on behalf of Mr Muck. Please give me a call or email when you get a minute.

(b)(6)

-----Original Message-----

From: Patterson, Robin L CIV OPNAV, DNS-36

Sent: Thursday, January 02, 2014 12:12 PM

To: (b)(6)

COS; Hamlin, Donna M CIV NAVSEA, SEA COS

Cc: (b) (6) OPNAV, DNS-36

Subject: NAVSEA FOIA tracker - additional data requested

Importance: High

(b)(6)

I am respectfully requesting the data in the "Program Costs" tab, be reported in a spreadsheet, to turn over to DON CIO and the EPA team prior to next Thursday 1/9/14. This report tab lacks the ability to print or download to excel on the user end. It also doesn't have the "all or all broke out" option in the drop down.

Specifically requesting each agencies data entry for FY12 and FY13.

Broke out by Site name, then individuals per site. This information is required for the FOIA Annual Report, Section IX, page 7.

I will be out of the office tomorrow, and turning this action item over to (b) (6).

However, I should be available by cell phone after 1pm and will have access to my personal email, as follows. (b)(6)

(b)(6)

Additionally, I am scheduled to be out of the office next week - in a final attempt to use some leave and gets some R&R!

Respectfully,

Robin Patterson

Head, DON FOIA/PA Program Office (DNS-36).

CNO Office of The Director, Navy Staff

Organization and Management Division

FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Sent:** Tuesday, January 07, 2014 10:11  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: NAVSEA FOIA tracker -Who should receive migration data CD?  
**Signed By:** mary.p.shaw@navy.mil

-SA-

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 9:15 AM  
**To:** Muck, Steve CIV SECNAV, DON CIO; (b)(6) SECNAV, DON CIO; (b)(6)  
(b)(6)  
**Cc:** Shaw, Phyllis CIV OPNAV, DNS-36C; (b)(6) OPNAV, DNS-36; (b)(6)  
(b)(6)  
**Subject:** NAVSEA FOIA tracker -Who should receive migration data CD?

DON-CIO/CGI/EPA,

Where do want (b)(6) to deliver the CD with the final migration data to CGI?

I assume directly to CGI and DNS-3 could request a second copy.

V/r,

(b)(6)

-----Original Message-----

**From:** (b)(6)  
**Sent:** Monday, January 06, 2014 4:01 PM  
**To:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) OPNAV, DNS-36; Hamlin, Donna M CIV NAVSEA, SEA  
CO (b)(6)  
**Cc:** (b)(6)  
**Subject:** RE: NAVSEA FOIA tracker - additional data requested

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(b)(6)

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Sent: Thursday, January 02, 2014 12:12 PM

To: (b)(6)

COS; Hamlin, Donna M CIV NAVSEA, SEA COS

Cc: (b)(6) OPNAV, DNS-36

Subject: NAVSEA FOIA tracker - additional data requested

Importance: High

(b)(6)

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Robin Patterson

Head, DON FOIA/PA Program Office (DNS-36).

CNO Office of The Director, Navy Staff

Organization and Management Division

FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL

Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Lupton, Matt CTR OPNAV, DNS-36  
**Sent:** Tuesday, January 07, 2014 10:15  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; (b)(6)  
(b)(6)  
(b) (6) CHINFO, (b) (6)  
**Subject:** RE: FOIA update  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf; 2014F000383 REF TO NAVSEA 1-7-14.pdf; 2014F000383 RESP TO REQ 1-7-14.pdf; FW: Media FOIA request (11.6 KB); 2014F000380 REF TO NAVSEA 1-7-14.pdf; 2014F000380 RESP TO REQ 1-7-14.pdf; FW: Media FOIA request (11.7 KB); FW: Media FOIA request (11.5 KB); FW: Media FOIA request (11.7 KB); WNY 9-16 shooting FOIA requests LOG.xlsx  
**Signed By:** matthew.lupton.ctr@navy.mil

(b)(6)

The first four attachments is the FOIA request that I transferred to the requester. 2014F000383 REF TO NAVSEA 1-7-14 was sent in error to requester. I have also transferred 2014F000380 but everything was sent to the correct recipients. I am in the process of transferring one more request (2014F000378) and for 2014F000387, I am awaiting confirmation from FBI. The log is updated with the four FOIA requests.

V/r, Matt Lupton

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 9:17 AM  
**To:** Lupton, Matt CTR OPNAV, DNS-36  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6)  
(b)(6) (b) (6) CHINFO, (b) (6)  
**Subject:** FOIA update

Matt: It's come to my attention that a FOIA request was received from NBC. As the FOIA POC for the Task Force, please ensure I receive copies of all FOIA requests received, as well as any reviews conducted, etc., and updated copies of the FOIA tracking log. These remain "significant" FOIAs with respect to processing.

Many thanks and V/R, (b)(6)

(b)(6)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT: This email and any attachments are privileged, intended only for the addressee or designee, and nonreleasable outside DoD channels absent prior sender authorization. If received in error, please delete.



(b) (6)

**From:** Hamlin, Donna M CIV NAVSEA, SEA COS <donna.hamlin@navy.mil> on behalf of NSSC\_NAVSEA FOIA <NAVSEAFOIA@navy.mil>  
**Sent:** Thursday, December 12, 2013 14:12  
**To:** (b)(6)  
**Subject:** FW: Media FOIA request  
**Attachments:** image001.gif  
**Signed By:** donna.hamlin@navy.mil

Please see the request below. Can you advise me as to how we should process.

Donna

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Friday, December 06, 2013 6:12 PM  
To: NSSC\_NAVSEA FOIA  
Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to state public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested  
then please furnish me with a timely explanation.

I am requesting:

Copies of all memos authored by any of the following employees in September, October or November 2013.

William Hilarides

William Deligne

Thomas Kearney

Bryan Exum

Patrick Geary

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4267 main newsroom

website <<http://www.nbcwashington.com/>> | vCard

<<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf>> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,-95.677068&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15>>

| email <<mailto:scott.macfarlane@nbcuni.com>>

Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

(b) (6)

**From:** Hamlin, Donna M CIV NAVSEA, SEA COS <donna.hamlin@navy.mil> on behalf of NSSC\_NAVSEA FOIA <NAVSEAFOIA@navy.mil>  
**Sent:** Thursday, December 12, 2013 13:38  
**To:** (b)(6)  
**Cc:** (b)(6) NAVSEA, SEA 00D  
**Subject:** FW: Media FOIA request  
**Attachments:** image001.gif  
**Signed By:** donna.hamlin@navy.mil

(b)(6)

Another FOIA request regarding 9/16.

Should I forward this to Robin? Please advise.

Donna

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Wednesday, December 11, 2013 12:50 PM  
To: NSSC\_NAVSEA FOIA  
Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested then please furnish me with a timely explanation.

I am requesting:

Copies of all photos in NAVSEA possession of the interior of Building 197 at NAVSEA HQ in DC.. from calendar years 2011, 2012 or 2013 that are \*NOT\* part of the investigation into a shooting inside said building on 9/16/13.

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

## I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4267 main newsroom

website <<http://www.nbcwashington.com/>> | vCard

<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,->

95.677068&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15> | email <mailto:scott.macfarlane@nbcuni.com>

Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

(b) (6)

**From:** Hamlin, Donna M CIV NAVSEA, SEA COS <donna.hamlin@navy.mil> on behalf of NSSC\_NAVSEA FOIA <NAVSEAFOIA@navy.mil>  
**Sent:** Thursday, December 12, 2013 13:43  
**To:** (b)(6)  
**Subject:** FW: Media FOIA request  
**Attachments:** image001.gif  
**Signed By:** donna.hamlin@navy.mil

I think that this request is in regard to 9/16 also.

Donna

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Friday, December 06, 2013 6:14 PM  
To: NSSC\_NAVSEA FOIA  
Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to state public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested  
then please furnish me with a timely explanation.

I am requesting:

Copies of videos produced by NAVSEA or in NAVSEA possession that include the word "security" or "safety" in the title

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.



Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

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website <<http://www.nbcwashington.com/>> | vCard

<<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf>> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,-95.677068&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15>>

| email <<mailto:scott.macfarlane@nbcuni.com>>

Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

(b) (6)

**From:** Hamlin, Donna M CIV NAVSEA, SEA COS <donna.hamlin@navy.mil> on behalf of NSSC\_NAVSEA FOIA <NAVSEAFOIA@navy.mil>  
**Sent:** Thursday, December 12, 2013 14:18  
**To:** (b)(6)  
**Subject:** FW: Media FOIA request  
**Attachments:** image001.gif  
**Signed By:** donna.hamlin@navy.mil

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I need advice on this one too.

Donna

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Friday, December 06, 2013 6:09 PM  
To: NSSC\_NAVSEA FOIA  
Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to state public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested

then please furnish me with a timely explanation.

I am requesting:

Copies of emails sent or received from all (navy.mil) addresses of the following NAVSEA employees between 0800 (8am eastern) and 0930 (9:30am eastern) on 9/16/13.

William Hilarides

William Deligne

Thomas Kearney

Bryan Exum

Patrick Geary

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

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website <<http://www.nbcwashington.com/>> | vCard

<<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf>> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,-95.677068&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15>>

| email <<mailto:scott.macfarlane@nbcuni.com>>

Date of Last Update: 1/7/2014

Command	Case Numbers	Requester	Subject	Cognizent Command	Req Date	Date to DoD High Vis	DoD cleared	Closed Date	Determination	Advised Task Force	Notes:
DNS-36	2013F041931	KXAS-TV	Aaron Alexis - any & all files	NPC	9/17/2013	11/15/2013	12/4/2013	12/5/2013	Full Denial (B)(7)(a)	10/30/2013	
DNS-36	2013F041938	CNN	Video/still images in bldg 197	NAVSEA, NCIS	9/18/2013	11/15/2013	12/4/2013	12/5/2013	Full Denial (B)(7)(a)	10/30/2013	
DNS-36	2013F041950	Associated Press	Emails, SF86 Form, DD214 of Aaron Alexis	NAVSEA, NPC, SPAWAR	9/20/2013	11/15/2013	12/4/2013	12/5/2013	Full Denial (B)(7)(a)	10/30/2013	Expedited Processing Requested
DNS-36	2013F041995	Associated Press	Video Surveillance in WNY 197 7:30 am-10 am	NAVSEA-NCIS	9/26/2013	11/15/2013	12/4/2013	12/5/2013	Full Denial (B)(7)(a)	10/30/2013	Expedited Processing Requested
DNS-36	2014F000019	Associated Press	Radio comms for unsafe work conditions, FOIA requests, emails with keywords "Alexis, problem, etc."	NDW	9/27/2013	none	none	11/25/2013	Duplicate	10/30/2013	DUPLICATE of NDW# 2013F040177
NDW	NDW# 2013F040177	Associated Press	Radio comms for unsafe work conditions, FOIA requests, emails with keywords "Alexis, problem, etc."	NDW	9/27/2013					10/30/2013	Expedited Processing Requested; Currently being processed at NDW, NDW receiving documents from local police and fire department for redactions
DNS-36	2014F000031	Associated Press	Emails "SWAT" "SRT", Special Response Team	CNIC, NDW, N4	10/8/2013					10/30/2013	Expedited Processing Requested
NPC	CNPC2013F0605	New York Post	OMPF Aaron Alexis	NPC	9/18/2013	10/24/2013	10/31/2013	10/25/2013	Full Denial (B)(7)(a)	10/30/2013	
NPC	CNPC2013F0604	Associated Press	OMPF Aaron Alexis	NPC	9/17/2013	10/24/2013	10/31/2013	10/25/2013	Full Denial (B)(7)(a)	10/30/2013	
DNS-36	2014F000101	The Day	Reviews for security clearance process, service record for Aaron Alexis, contractors review of security clearances	ASN Manpower & Reserve Affairs, General Counsel, NPC	10/20/2013	11/15/2013	12/4/2013	12/6/2013	Full Denial (B)(7)(a)	11/5/2013	
DNS-36	2014F000130	The Washington Post	All Reports to WNY Shooting, comms during shooting with Park Police, NCIS, FBI, and Metro Police	NCIS	10/25/2013	none	none	11/25/2013	Duplicate	11/5/2013	DUPLICATE of F14-000103 from NCIS
DNS-36	2014F000148	NBC 10 News	Any security reports, comms, emails involving Aaron Alexis leading up to Sept 16 through Sept 20	NAVSEA, SPAWAR, NCIS	9/24/2013	11/15/2013	12/4/2013	12/6/2013	Full Denial (B)(7)(a)	11/1/2013	
NCIS	F14-000103	The Washington Post	All Reports to WNY Shooting, comms during shooting with Park Police, NCIS, FBI, and Metro Police	NCIS	10/25/2013	none	none	11/8/2013	Full Denial (B)(7)(a)	11/15/2013	
DNS-36	2014F000378	NBC Washington	All memos authored by list of employees	NAVSEA	12/6/2013	none	none		Transferred to NAVSEA	1/7/2014	
DNS-36	2014F000380	NBC Washington	Emails sent/received from navy email addresses for NAVSEA employees between 8-9:30 am on 9/16	NAVSEA	12/6/2013	none	none		Transferred to NAVSEA	1/7/2014	
DNS-36	2014F000383	NBC Washington	Videos produced by NAVSEA that include keywords "Security" or "Safety" in the title	NAVSEA	12/6/2013	none	none		Transferred to NAVSEA	1/7/2014	
DNS-36	2014F000387	NBC Washington	All photos in NAVSEA possession of Bldg 197 interior from 2011-2013 that are not a part of investigation	NAVSEA	12/11/2013						

(b) (6)

**From:** (b) (6) CTR OPNAV, DNS-36 (b) (6) @navy.mil>

**Sent:** Tuesday, January 07, 2014 10:20

**To:** (b)(6)

**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36; (b)(6)

**Subject:** Navy SORNs OMB

**Attachments:** NAVY SORN OMB STATUS SHEET.xlsx

All,

The attached spreadsheet list the status of SORNs that require PRA (OMB) requirements. These SORNs are either held up at the Information Management Directorate (IMD) Team or placed on hold at our office (DNS-36), awaiting either the OMB submission date or OMB Control Number before they can be processed by DoD.

Please get with (b)(6) or (b)(6) Assistant (b)(6) to complete the OMB paperwork for submission to the IMD Team so that we can get these SORNs moved up to the OMB Office. (b)(6) can be reached at (b)(6) (b)(6) and/or (b)(6) can be reached at (b)(6)

In addition, please provide me a status of your progress.

Sincerely,

(b) (6)

F: (202) 685-6580

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Tuesday, January 07, 2014 10:22  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C;  
(b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML ---  
NEED ASSISTANCE WITH DAMAGE CONTROL  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf; navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil  
**Importance:** High

(b)(6)

As requested. Here is the first email that I received below from Mr. MacFarlane.

Most Respectfully,

Phyllis

---BREAK----

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 9:25 AM  
To: (b)(6)  
Cc: Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); Robin Patterson; Muck, Steve CIV SECNAV, DON CIO;  
(b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

Robin:

I just tried to call. When you get a chance I would like to discuss this incident with you. I Just got off of the phone with Scott MacFarlane @ NBC. He is not happy with the attached document(s) that was forwarded to him via email. Matt in error attached your internal email to Donna regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. our response letter to him.

Mr. Macfarlane asked to speak to our FOIA Policy Officer. I provided him with Steve Muck's name and number. I called Steve and gave him a heads up regarding Mr. Macfarlane's concern regarding our comments about him being on a "fishing expedition" and that he believes this would make a great story for the news.

Matt just advised me that he received a follow-up email from Mr. Macfarlane in which I will forward to you shortly.

Talk with you soon.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:56 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

It's attached....

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.



2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

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FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Tuesday, January 07, 2014 10:24  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL  
**Attachments:** navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil  
**Importance:** High

(b)(6)

As requested here is the follow-up email that Matt received this morning from Mr. MacFarlane.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

---BREAK---

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b)(6) CHINFO, (b)(6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin and Matt...

I have grave concerns to the following references to in the email you attached. (I've reattached it to this email)

1) "just because they are media doesn't mean that the memos would shed light on specific government activities"

2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.  
And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

---BREAK---

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,  
Robin Patterson

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

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Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 10:33

**To:**

Patterson, Robin L CIV OPNAV, DNS-36

**Cc:**

(b)(6) Lupton, Matt CTR OPNAV, DNS-36; (b) (6)

(b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36;

(b)(6)

**Subject:**

Clarification on FOIA

**Signed By:**

(b)(6)@navy.mil

Robin:

If I might ask for your assistance. As the WNYRTF FOIA POC, just talked to Matt to ask him to send me the specific NBC FOIA requests from 20 Dec. In so doing, he explained that this was being worked directly with NAVSEA and that there was no intent to make the TF aware of these until much later in the process.

If I recall, we discussed this about 2 months ago, namely all FOIA requests related to the events of 16 Sep are considered "significant" and processed accordingly. While I understand that these specific requests were sent to NAVSEA, per SECNAV's appointing order, until formally disestablished, the WNYRTF is "to ensure proper coordination of....responses to FOIA requests". As such, if we can ask that WNYRTF be kept cognizant of all of these FOIAs as they are received, reviewed and processed, not just at the end of the process. Senior-level attention across DoN remains focused on the wide range of recovery/response efforts to 16 Sep.

Please let me know if you have any questions. Many thanks and V/R,

(b)(6)

(b)(6)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT: This email and any attachments are privileged, intended only for the addressee or designee, and nonreleasable outside DoD channels absent prior sender authorization. If received in error, please delete.

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:19  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 10:40 AM  
To: Muck, Steve CIV SECNAV, DON CIO  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Hi Steven...

I hope you're well. I wanted to call your attention to a disconcerting email and FOIA response sent to me today by NAVSEA FOIA employee Robin Patterson. I've attached the PDF (sent by Robin to me) to this email.

In the memo, Robin makes multiple objectionable references. Including:

- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

Phyllis Shaw alerted me that you have some form of supervision/oversight over the FOIA office. If so, I'd appreciate a response about the FOIA practices and response strategies illustrated by Robin's memo.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)



-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

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(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

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FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:18  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf; navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil

**Importance:** High

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 10:53 AM  
To: (b) (6) NAVSEA, SEA COS; Hamlin, Donna M CIV NAVSEA, SEA COS  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C;  
(b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

(b) (6)

This is a follow-up from the voice mail that I just left you. Please see the email below.

I spoke with Robin this morning. Can you locate the photo's in a library? You need to speak with Pat in Public Affairs as soon as possible since Donna is out of the office and get as much facts as you can regarding Scott MacFarlane's @ NBC FOIA request.

NAVSEA needs to start the process on his FOIA request now if you have not already done so.

Steve Muck @ DONCIO has been aware of the fact that the attached internal email(s) was sent in error to Mr. MacFarlane along with NAVSEA's referral letter vs. our response to the requester.

I spoke with (b)(6) @ DoD and have emailed her this email and a recent follow-up one from Mr. MacFarlane for assistance on damage control and DoD's recommendations. Will forward second email shortly.

Please give me a call at 202-685-6530 and we can discuss.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 9:25 AM

To: (b)(6)

Cc: Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); Robin Patterson; Muck, Steve CIV SECNAV, DON CIO;  
(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Robin:

I just tried to call. When you get a chance I would like to discuss this incident with you. I just got off of the phone with Scott MacFarlane @ NBC. He is not happy with the attached document(s) that was forwarded to him via email. Matt in error attached your internal email to Donna regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. our response letter to him.

Mr. Macfarlane asked to speak to our FOIA Policy Officer. I provided him with Steve Muck's name and number. I called Steve and gave him a heads up regarding Mr. Macfarlane's concern regarding our comments about him being on a "fishing expedition" and that he believes this would make a great story for the news.

Matt just advised me that he received a follow-up email from Mr. Macfarlane in which I will forward to you shortly.

Talk with you soon.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:56 AM

To: Shaw, Phyllis CIV OPNAV, DNS-36C

Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

It's attached....

SCOTT MACFARLANE

Reporter

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

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**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

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Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of Identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

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I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:18  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** navsea foia response.pdf  
**Signed By:** mary.p.shaw@navy.mil

**Importance:** High

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 10:58 AM  
To: (b) (6) NAVSEA, SEA COS; Hamlin, Donna M CIV NAVSEA, SEA COS  
Cc: (b)(6) Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C;  
(b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

(b) (6)

Here is the f/u email from Mr. MacFarlane below.

Most Respectfully,

Phyllis

---BREAK---

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From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36  
Sent: Tuesday, January 07, 2014 9:31 AM  
To: (b)(6) Muck, Steve CIV SECNAV, DON CIO  
Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)  
(b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

Follow-up from Mr. MacFarlane.....

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From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:47 AM  
To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36  
Cc: (b) (6) CHINFO, (b) (6)



Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin and Matt...

I have grave concerns to the following references to in the email you attached. (I've reattached it to this email)

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2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.  
And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE  
Reporter

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Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

website | vCard | map | email

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Sent: Tuesday, January 07, 2014 8:24 AM  
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Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

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Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

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FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 11:06  
**To:** Shaw, Phyllis CIV OPNAV, DNS-36C; Patterson, Robin L CIV OPNAV, DNS-36  
**Cc:** (b)(6)  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** (b)(6)@navy.mil

Robin/Phyllis,

He posted this info this morning on his twitter feed.

<https://twitter.com/MacFarlaneNews/status/420581517941678080/photo/1>

Is this something we should be double checking before its sent out?

Is this inherently government work and requires a government agent review paper or electronic replies? Especially to news sources.

Interested to discuss this more when Robin is back in the shop.

V/r,

(b)(6)

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Cc: (b)(6) Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C;  
(b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

(b) (6)

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Most Respectfully,

Phyllis

---BREAK---

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From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36  
Sent: Tuesday, January 07, 2014 9:31 AM  
To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

Follow-up from Mr. MacFarlane.....

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b)(6) CHINFO, (b)(6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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I intend to report this type of language and FOIA management to your superiors.  
And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]

Sent: Tuesday, January 07, 2014 8:24 AM

To: MacFarlane, Scott (NBCUniversal)

Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)

To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

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3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:17  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 11:12 AM  
**To:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL

Phyllis:

Where is a copy of his request?

V/r

(b)(6)

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**From:** Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]  
**Sent:** Tuesday, January 07, 2014 10:24 AM  
**To:** (b)(6)  
**Cc:** Patterson, Robin W CIV USN CNO (US); (b)(6) Shaw, Mary P CIV USN CNO (US)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL  
**Importance:** High

(b)(6)

As requested here is the follow-up email that Matt received this morning from Mr. MacFarlane.

Most Respectfully,

Phyllis

---BREAK---

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From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

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From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

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SCOTT MACFARLANE

Reporter

4001 Nebraska Avenue NW

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202-507-1129 work cell

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From: Chief of Naval Operations (DNS-36)  
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Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035  
  
Ref: (a) SECNAVINST 5720.42F  
  
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Sincerely,  
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Head, DON FOIA/PA Program Office

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

---

Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

Dear Mr. MacFarlane:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER  
DON 2014F000383/NAVSEA 2014F000035

This is in reference to your Freedom of Information Act (FOIA) request dated December 6, 2013. Your request was received in our office on December 20, 2013.

We have determined that the information you are seeking may be maintained by the Commander, Naval Sea Systems Command (NAVSEA) located at 1333 Isaac Hull Avenue SE, Washington Navy Yard, DC 20376. Therefore, we have forwarded your request to that office for action and direct response to you.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at NAVSEA directly at (202) 781-2437. When contacting NAVSEA, please reference case number NAVSEA 2014F000035.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

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-SA-

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Cc: Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C  
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To: (b) (6) NAVSEA, SEA COS; Hamlin, Donna M CIV NAVSEA, SEA COS  
Cc: (b)(6) Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C;  
(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

(b) (6)

Here is the f/u email from Mr. MacFarlane below.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

DNS-3B

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b)(6) CHINFO, (b)(6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin and Matt...

I have grave concerns to the following references to in the email you attached. (I've reattached it to this email)

1) "just because they are media doesn't mean that the memos would shed light on specific government activities"

2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.

And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE

Reporter

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4506 direct

website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

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3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office



(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Tuesday, January 07, 2014 11:19  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL  
**Attachments:** FW: Media FOIA request (11.6 KB); 2014F000383 RESP TO REQ 1-7-14.pdf  
**Signed By:** mary.p.shaw@navy.mil

(b)(6)

Please find attached a copy of his request submitted to NAVSEA and our response that should have been sent to Mr. MacFarlane.

Most Respectfully,

Phyllis

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 11:12 AM  
**To:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL

Phyllis:

Where is a copy of his request?

V/r

(b)(6)

-----Original Message-----

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]  
**Sent:** Tuesday, January 07, 2014 10:24 AM  
**To:** (b)(6)  
**Cc:** Patterson, Robin W CIV USN CNO (US); (b)(6) Shaw, Mary P CIV USN CNO (US)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL  
**Importance:** High

(b)(6)

As requested here is the follow-up email that Matt received this morning from Mr. MacFarlane.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

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Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

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Reporter

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From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

---

Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

Dear Mr. MacFarlane:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER  
DON 2014F000383/NAVSEA 2014F000035

This is in reference to your Freedom of Information Act (FOIA) request dated December 6, 2013. Your request was received in our office on December 20, 2013.

We have determined that the information you are seeking may be maintained by the Commander, Naval Sea Systems Command (NAVSEA) located at 1333 Isaac Hull Avenue SE, Washington Navy Yard, DC 20376. Therefore, we have forwarded your request to that office for action and direct response to you.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at NAVSEA directly at (202) 781-2437. When contacting NAVSEA, please reference case number NAVSEA 2014F000035.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 11:20

**To:**

(b) (6) OPNAV, DNS-36; (b)(6)  
(b)(6)  
(b)(6) Lupton, Matt CTR OPNAV, DNS-36; (b) (6)  
(b) (6) OPNAV, DNS-36; (b)(6) OPNAV, DNS-36; Patterson, Robin L CIV  
OPNAV, DNS-36; (b) (6) OPNAV, DNS-36; (b)(6)  
(b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C; (b) (6) OPNAV, DNS-36;  
(b)(6)  
(b)(6) (b) (6)  
OPNAV, DNS-36; (b)(6)  
Electronic Spills Training  
(b)(6) @navy.mil

**Subject:**

**Signed By:**

ALCON,

We have had a rash of secret spills on NIPR in the last month. We will be conducting training Wednesday 1000.

Branch heads advise if you have conflicts.

(b)(6)

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:16  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

From: (b)(6)  
Sent: Tuesday, January 07, 2014 11:24 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Contact your PA and Attorneys asap for troubleshooting.

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]  
Sent: Tuesday, January 07, 2014 11:14 AM  
To: (b) (6) USN NAVSEA (US); Hamlin, Donna M CIV USN NAVSEA (US); (b)(6)  
Muck, Steven R CIV USN DONAA (US)  
Cc: Patterson, Robin W CIV USN CNO (US); (b)(6) Shaw, Mary P CIV USN CNO (US)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

-SA-

-----Original Message-----

From: (b)(6)  
Sent: Tuesday, January 07, 2014 11:06 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C; Patterson, Robin L CIV OPNAV, DNS-36  
Cc: (b)(6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin/Phyllis,

He posted this info this morning on his twitter feed.

<https://twitter.com/MacFarlaneNews/status/420581517941678080/photo/1>

Is this something we should be double checking before its sent out?

Is this inherently government work and requires a government agent review paper or electronic replies? Especially to news sources.

Interested to discuss this more when Robin is back in the shop.

(b)(6)

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(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

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Here is the f/u email from Mr. MacFarlane below.

Most Respectfully,

Phyllis

---BREAK---

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To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

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From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b) (6) CHINFO, (b) (6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
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I intend to report this type of language and FOIA management to your superiors.  
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From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
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Ref: (a) SECNAVINST 5720.42F

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**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 11:44 AM  
To: Patterson, Robin L CIV OPNAV, DNS-36; (b)(6)  
Cc: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin:

(b)(6) contacted (b)(6) and gave him details of this incident.

Most Respectfully,

Phyllis

-----Original Message-----

From: (b)(6)  
Sent: Tuesday, January 07, 2014 11:24 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Contact your PA and Attorneys asap for troubleshooting.

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Cc: Patterson, Robin W CIV USN CNO (US) (b)(6) Shaw, Mary P CIV USN CNO (US)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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Cc: (b)(6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MARY.P.SHAW> on behalf of Shaw, Phyllis CIV OPNAV, DNS-36C  
**Sent:** Tuesday, January 07, 2014 11:47  
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**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** mary.p.shaw@navy.mil

(b)(6)

(b)(6) advised that we should contact our PA and Attorneys asap for troubleshooting see (b)(6) email below. I know that you call and spoke to (b)(6) earlier. Is there someone else we should contact? NAVSEA was advised to speak to their Public Affairs.

Standing by....

Most Respectfully,

Phyllis

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**Sent:** Tuesday, January 07, 2014 11:24 AM  
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(b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

(b)(6)

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Importance: High

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- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.  
And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035



Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** (b) (6) OPNAV, DNS-36 </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=(b) (6)> on behalf of (b) (6) OPNAV, DNS-36  
**Sent:** Tuesday, January 07, 2014 11:51  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** RE: FOUO - Privacy Sensitive Markings

Dear (b)(6)

My apology for the delayed response, I reviewed the attached document and agree that we should direct them to our SECNAVINST, which provides the proper abbreviation "For Official Use Only-Privacy Sensitive-Any misuse or unauthorized disclosure can result in both civil and criminal." We agree with the advice that you wish to provide to your POCs to follow the current SECNAV Privacy Program Policy. Our Office (DNS-36) will work together with DONCIO to ensure that the correct information is included in the SECNAV Security Manual before it is published.

If you have any questions please feel free to call or email me.

Sincerely,  
(b) (6)

F: (202) 685-6580

-----Original Message-----

**From:** (b)(6)  
**Sent:** Friday, November 22, 2013 2:14 PM  
**To:** Patterson, Robin L CIV OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOUO - Privacy Sensitive Markings

Robin, (b) (6)

I know you are super busy. However, I wanted to bring your attention to something that we have come up against a couple of times now. (b) (6) mentioned you had recently received a complaint about FOUO markings on documents also, not sure if it is the same exact circumstance but I wanted to get your take on the matter.

I have been told by our Personnel Security folks the former N09N (Personnel Security) is in the midst of rewriting the SECNAV Security Manual which would include markings for controlled unclassified information (CUI) including the FOUO - this would actually fall under Information Security.

For reference purposes I have attached the excerpts from the DoD 5400.11R and the SECNAV 5211.5E. I have also attached the DoD 5200.01 Volume 4 - DoD Information Security Program: Controlled Unclassified Information (CUI). This document does reference the Privacy Act but does not specifically address For Official Use Only - Privacy Sensitive.

We have had a couple of questions come in about using the proper abbreviations. I checked with (b)(6) back in February when the first question came in and (b)(6) did not believe their office had been given the opportunity to chop on it before it was published. That may explain why it isn't covered.

The DoD Privacy Program regulations only require FOUO markings. Our SECNAVINST requires documents be marked FOUO - Privacy Sensitive. In deliberating this issue with our information security folks, they recommend we only use the FOUO since it isn't addressed in the DoD 5200.01 Volume 4. Since there is a disconnect on this particular issue between we Privacy types and those information security types, I was hoping you could reach out to the N09N folks and make sure this will be included in the SECNAV Security Manual before it is published.

For now, the advice I would like to provide to my POCs would be that we follow the current SECNAV Privacy Program policy because it implements references (b) and (c) (the DoD Privacy Program) and in response to this specific question regarding how to mark letters prepared for a preliminary inquiry, the documents would be maintained in a SOR covered by an exempt PA SORN and should at a minimum be marked FOUO but if the documents contain PII it should be marked FOUO - Privacy Sensitive.

I hope this makes sense and it doesn't sound as if I am just rambling on but your thoughts would be greatly appreciated.

Thanks

Respectfully,

(b)(6)

Respectfully,

(b)(6)

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 11:53

**To:**

Shaw, Phyllis CIV OPNAV, DNS-36C

**Cc:**

Patterson, Robin L CIV OPNAV, DNS-36; (b)(6)

(b)(6)

**Subject:**

RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

**Signed By:**

(b)(6)

Nope. DNS is standing by to execute whatever DON CIO directs.

Use Muck's PA and JAG offices i.e. CHINFO vs what we could bring to bear.

Ultimately, I am not sure what value will be added. The damage is done and we simply need someone other than Robin/Matt to talk to the individual and then process their request appropriately.

Two, we need to review our internal processes for disclosing anything to an individual or organization with the ability to rapidly disseminate a error like this...i.e. news organizations.

Advise if I need to talk to Mr. Muck on the topic.

V/r,

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 11:47 AM

To: (b)(6)

Cc: Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

(b)(6)

(b)(6) advised that we should contact our PA and Attorneys asap for troubleshooting see (b)(6) email below. I know that you call and spoke to (b)(6) earlier. Is there someone else we should contact? NAVSEA was advised to speak to their Public Affairs.

Standing by....

Most Respectfully,

Phyllis

-----Original Message-----

From: (b)(6)

Sent: Tuesday, January 07, 2014 11:24 AM

To: Shaw, Phyllis CIV OPNAV, DNS-36C

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Contact your PA and Attorneys asap for troubleshooting.

V/r

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]

Sent: Tuesday, January 07, 2014 11:14 AM

To: (b)(6) Hamlin, Donna M CIV USN NAVSEA (US); (b)(6)

Muck, Steven R CIV USN DONAA (US)

Cc: Patterson, Robin W CIV USN CNO (US); (b)(6) Shaw, Mary P CIV USN CNO (US)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

-SA-

-----Original Message-----

From: (b)(6)

Sent: Tuesday, January 07, 2014 11:06 AM

To: Shaw, Phyllis CIV OPNAV, DNS-36C; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b)(6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin/Phyllis,

He posted this info this morning on his twitter feed.

<https://twitter.com/MacFarlaneNews/status/420581517941678080/photo/1>

Is this something we should be double checking before its sent out?

Is this inherently government work and requires a government agent review paper or electronic replies? Especially to news sources.

Interested to discuss this more when Robin is back in the shop.

V/r,

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 10:58 AM

To: (b)(6) Hamlin, Donna M CIV NAVSEA, SEA COS

Cc: (b)(6) Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C;

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

(b)(6)

Here is the f/u email from Mr. MacFarlane below.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

To: (b)(6) Muck, Steve CIV SECNAV, DON CIO

Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b) (6) CHINFO, (b) (6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Robin and Matt...

I have grave concerns to the following references to in the email you attached. (I've reattached it to this email)

1) "just because they are media doesn't mean that the memos would shed light on specific government activities"

2) "fish expeditions"

I intend to report this type of language and FOIA management to your superiors.

And I have to wonder why you shared such a PDF attachment with me.

SCOTT MACFARLANE

Reporter

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Washington, DC 20016

202-507-1129 work cell

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website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

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Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:22  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL  
**Attachments:** Untitled attachment 04683.eml (35 bytes); 2014F000383 RESP TO REQ 1-7-14.pdf

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 12:03 PM  
**To:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL

V/r

(b)(6)

-----Original Message-----

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]  
**Sent:** Tuesday, January 07, 2014 11:19 AM  
**To:** (b)(6)  
**Cc:** Patterson, Robin W CIV USN CNO (US); (b)(6) Shaw, Mary P CIV USN CNO (US)  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL

(b)(6)

Please find attached a copy of his request submitted to NAVSEA and our response that should have been sent to Mr. MacFarlane.

Most Respectfully,

Phyllis

-----Original Message-----

**From:** (b)(6)



Sent: Tuesday, January 07, 2014 11:12 AM

To: Shaw, Phyllis CIV OPNAV, DNS-36C

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL

Phyllis:

Where is a copy of his request?

V/r

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]

Sent: Tuesday, January 07, 2014 10:24 AM

To: (b)(6)

Cc: Patterson, Robin W CIV USN CNO (US); (b)(6) Shaw, Mary P CIV USN CNO (US)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML --- NEED ASSISTANCE WITH DAMAGE CONTROL

Importance: High

(b)(6)

As requested here is the follow-up email that Matt received this morning from Mr. MacFarlane.

Most Respectfully,

Phyllis

---BREAK---

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From: Shaw, Phyllis CIV OPNAV, DNS-36C On Behalf Of Patterson, Robin L CIV OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 9:31 AM

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Cc: Robin Patterson; Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); (b)(6)

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Follow-up from Mr. MacFarlane.....

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-----Original Message-----

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Sent: Tuesday, January 07, 2014 8:47 AM

To: Lupton, Matt CTR OPNAV, DNS-36; Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b) (6) CHINFO, (b) (6)

Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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SCOTT MACFARLANE

Reporter

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[website](#) | [vCard](#) | [map](#) | [email](#)

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---BREAK---

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Sent: Tuesday, January 07, 2014 8:24 AM

To: MacFarlane, Scott (NBCUniversal)

Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)

To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

---

Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

Dear Mr. MacFarlane:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER  
DON 2014F000383/NAVSEA 2014F000035

This is in reference to your Freedom of Information Act (FOIA) request dated December 6, 2013. Your request was received in our office on December 20, 2013.

We have determined that the information you are seeking may be maintained by the Commander, Naval Sea Systems Command (NAVSEA) located at 1333 Isaac Hull Avenue SE, Washington Navy Yard, DC 20376. Therefore, we have forwarded your request to that office for action and direct response to you.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at NAVSEA directly at (202) 781-2437. When contacting NAVSEA, please reference case number NAVSEA 2014F000035.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 12:08

**To:**

(b)(6)

atterson, Robin L CIV OPNAV, DNS-36

**Cc:**

(b)(6)

Lupton, Matt CTR OPNAV, DNS-36;

(b) (6)

(b) (6)

OPNAV, DNS-36;

(b) (6)

OPNAV, DNS-36;

(b)(6)

(b)(6)

Hamlin, Donna M CIV NAVSEA, SEA COS;

(b)(6)

(b)(6)

**Subject:**

RE: Clarification on FOIA

**Signed By:**

(b)(6)

(b)(6)

After NAVSEA completes its review of the four FOIAs from the NBC reporter, the intent is, and has been, to coordinate with the Task Force prior to any release.

I have copied Donna Hamlin and (b)(6) on this email. Donna is the FOIA Officer for NAVSEA, and (b)(6) is the attorney advising Donna on these FOIAs.

If you have any questions, please do not hesitate to contact Donna or (b)(6)

Thank you.

v/r,

(b)(6)

-----Original Message-----

From (b)(6)

Sent: Tuesday, January 07, 2014 10:33 AM

To: Patterson, Robin L CIV OPNAV, DNS-36

Cc (b)(6)

Lupton, Matt CTR OPNAV, DNS-36;

(b) (6)

OPNAV, DNS-36;

(b) (6)

OPNAV, DNS-36;

(b)(6)

(b)(6)

Subject: Clarification on FOIA

Robin:

If I might ask for your assistance. As the WNYRTF FOIA POC, just talked to Matt to ask him to send me the specific NBC FOIA requests from 20 Dec. In so doing, he explained that this was being worked directly with NAVSEA and that there was no intent to make the TF aware of these until much later in the process.

If I recall, we discussed this about 2 months ago, namely all FOIA requests related to the events of 16 Sep are considered "significant" and processed accordingly. While I understand that these specific requests were sent to NAVSEA, per SECNAV's appointing order, until formally disestablished, the WNYRTF is "to ensure proper coordination of....responses to FOIA requests". As such, if we can ask that WNYRTF be kept cognizant of all of these FOIAs as they are received,

reviewed and processed, not just at the end of the process. Senior-level attention across DoN remains focused on the wide range of recovery/response efforts to 16 Sep.

Please let me know if you have any questions. Many thanks and V/R,



ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT: This email and any attachments are privileged, intended only for the addressee or designee, and nonreleasable outside DoD channels absent prior sender authorization. If received in error, please delete.

**From:** [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**To:** (b)(6)  
**Cc:** [Patterson, Robin L CIV OPNAV, DNS-36](#); [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**Subject:** Sent from Snipping Tool - TOWN HALL MEETING WITH CAPTAIN MARTINEZ  
**Date:** Tuesday, January 07, 2014 12:27:18  
**Attachments:** [SnipImage.JPG](#)

---

Robin:

There will be a Town Hall meeting with (b)(6) tomorrow, Wednesday, Jan 8th in the fishbowl. No need to come in for it but I wanted to let you know and give you that option (b)(6) is here for everyone : military, civilian and contractors for any questions and concerns that we may have....now would be the time to voice it.

Most Respectfully,

Phyllis

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 12:54

**To:**

Patterson, Robin L CIV OPNAV, DNS-36

**Subject:**

Latest inbox

**Signed By:**

(b)(6)

Robin;

The latest (hopefully last) inbox fixes are in production. I already talked to

(b)(6)

Thanks

(b)(6)

Normal Hours

M,T,Th,F: 0700 - 1700



(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 12:55

**To:**

(b)(6)

**Subject:**

FW: current HQWeb outage, Upcoming SIPR Taskers ASI

**Signed By:**

(b)(6)

DNS-3,

FYI.

V/r,

(b)(6)

-----Original Message-----

From (b)(6)

Sent: Tuesday, January 07, 2014 12:51 PM

To: OPNAV ALL ACTR

Subject: current HQWeb outage, Upcoming SIPR Taskers ASI

ACTRs,

We are currently experiencing an outage of HQWeb/Taskers due to a failed HBSS install at our hosting facility in Tulsa. No ETR at this time, we will send word as soon as it is resolved.

Additionally, we will be upgrading SIPR TV5 to the new version (SIPR TV5.2) beginning this Friday at 1900. SIPR Navy Taskers (TV5) will be down from that time until early Sunday morning. Thank you.

V/r,

(b)(6)

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 13:12

**To:**

OPNAV ALL

**Subject:**

Combined Federal Campaign (CFC) - It's Not Too Late!

**Signed By:**

(b)(6)

\*\*\*FOR INFORMATION AND PLANNING ONLY\*\*\*

\*\*PLEASE DO NOT RESPOND TO THIS EMAIL\*\*

OPNAV Staff,

Happy New Year and I hope you and everyone had a warm, fun and safe holiday!

We are moving into the final week of the 2013 Combined Federal Campaign (CFC) and our committee headed by (b)(6) (b)(6) has been doing a great job in keeping peoples spirits high and bringing awareness of the campaign throughout the staff, which I truly appreciate.

Although the solicitation portion of this year's campaign ends on 15 January, the CFC can still accept donations until the end of the month (31 January), so if you would still like to donate, please visit myPay or one of the other options indicated below to expedite your donation. It's easy, secure and fast. If you have any questions, your Keyworker can also provide assistance.

YOU can make it possible. Thank you.

VR,

(b)(6)

- 
- The CFC website (<http://www.cfcncn.org/> ) allows donors to query the charity database to search for any of 4,500+ local or 20,000+ National/International charities.
  - Donors can pledge up to 30 charities.
  - There are 3 ways to donate: MyPay, eGiving, and Paper Pledge. The following numbers are needed regardless of method:
    - OPNAV N-code Unit # (7-digit code listed at the bottom of this email)
    - Washington DC Campaign # is 0990

1) MyPay (<https://mypay.dfas.mil/mypay.aspx> )

- Available from any computer 24 hrs/day
- Secure links directly to payroll providers
- Starts the first pay period in 2014 (01 Jan 2014)
- Employee has direct control over key payroll and personnel info without use of a form or visit to a payroll office (no SSN passed to a campaign or mailed to another office for input)
- Employee prints a copy of the pledge form for his/her records, does NOT submit a donation form to the Key Worker
- There is no option to select an incentive gift level on myPay. A donor can elect to release his/her name to the Key Worker, who will pass it on to the Principal Combined Fund Organizations (PCFO's) to receive the incentive award.

- General donor questions on myPay: Voluntary Campaign Management Office (703) 601-0172

2) eGiving (Electronic method for submitting cash/check/credit card one-time or recurring submission):

- Requires the employee to register for "Nexus" and obtain verification. From [www.cfcnca.org](http://www.cfcnca.org), select the "Donate Now" icon

- OPNAV N-code Unit # (7-digit code listed at the bottom of this email)

- Complete requested Personal Info and select "Verify"

- Verify Personal Info and select "Confirm"

- Check email inbox for the verification email and follow the instructions in the email for official verification

- After verification, go back to the "Donate Now" icon and follow instructions. The employee is able to register (providing a username and password to finalize registration) to donate

- SSN's required for payroll deduction pledges. SSN's will be deleted at the end of the campaign.

- Enter work phone, pledge type (cash/check one-time pledge, credit card one-time/recurring, e-check one-time/recurring), whether the employee wants POC information released to the charity, etc.

- Employee prints a copy of the pledge form for his/her records, and a donation form is still required to be provided to the Key Worker.

3) Paper pledge forms (input the following):

- OPNAV N-code Unit # (7-digit code listed at the bottom of this email)

- Washington DC Campaign # is 0990

- Forms are located with your N-code CFC Managers and Keyworkers

---

(b) (6)

**From:** Adam Weinstein <adam.weinstein@gawker.com>  
**Sent:** Tuesday, January 07, 2014 13:23  
**To:** DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36  
**Subject:** 9.16.13 FOIA Request Memo

Ms. Patterson,

I'm the military and political affairs reporter for Gawker (and a former sailor & PAO for Multi-National Corps - Iraq). I'm writing to inquire about recent reports regarding an email you sent to a FOIA requester, which have been published online today (most of the reports also misidentify you as a "he").

Could you confirm that this email, detailing how DON would handle and respond to the reporter's requests, is authentic?

Was its transmission unintended?

The email in question was described by various outlets as instruction on how to "dodge" releases of info. How would you respond to those reports?

My deadline is 3 p.m. EST, but I am happy to update any filings with DON response whenever it may be convenient for you/a colleague to respond.

V/R,  
AW

---

Adam Weinstein  
Staff Writer  
Gawker  
adam.weinstein@gawker.com  
c. 415-713-9948  
t. @AdamWeinstein

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 13:30

**To:**

(b) (6) OPNAV, DNS-36

**Cc:**

Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C

**Subject:**

RE: FOUO - Privacy Sensitive Markings

**Signed By:**

(b)(6)

(b) (6) thanks for your assistance.

Robin,

Can you re-forward this with your signature block so I can send it to (b)(6) please.

Thanks.

Respectfully,

(b)(6)

-----Original Message-----

From: (b) (6) OPNAV, DNS-36

Sent: Tuesday, January 07, 2014 11:51 AM

To: (b)(6)

Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C

Subject: RE: FOUO - Privacy Sensitive Markings

Dear (b)(6)

My apology for the delayed response, I reviewed the attached document and agree that we should direct them to our SECNAVINST, which provides the proper abbreviation "For Official Use Only-Privacy Sensitive-Any misuse or unauthorized disclosure can result in both civil and criminal." We agree with the advice that you wish to provide to your POCs to follow the current SECNAV Privacy Program Policy. Our Office (DNS-36) will work together with DONCIO to ensure that the correct information is included in the SECNAV Security Manual before it is published.

If you have any questions please feel free to call or email me.

Sincerely,

(b) (6)

(b) (6)

F: (202) 685-6580

-----Original Message-----

From (b)(6)

Sent: Friday, November 22, 2013 2:14 PM

To: Patterson, Robin L CIV OPNAV, DNS-36; (b) (6) OPNAV, DNS-36

Subject: FOUO - Privacy Sensitive Markings

Robin, (b) (6)

I know you are super busy. However, I wanted to bring your attention to something that we have come up against a couple of times now. (b) (6) mentioned you had recently received a complaint about FOUO markings on documents also, not sure if it is the same exact circumstance but I wanted to get your take on the matter.

I have been told by our Personnel Security folks the former N09N (Personnel Security) is in the midst of rewriting the SECNAV Security Manual which would include markings for controlled unclassified information (CUI) including the FOUO - this would actually fall under Information Security.

For reference purposes I have attached the excerpts from the DoD 5400.11R and the SECNAV 5211.5E. I have also attached the DoD 5200.01 Volume 4 - DoD Information Security Program: Controlled Unclassified Information (CUI). This document does reference the Privacy Act but does not specifically address For Official Use Only - Privacy Sensitive. We have had a couple of questions come in about using the proper abbreviations. I checked with Vickie Short back in February when the first question came in and she did not believe their office had been given the opportunity to chop on it before it was published. That may explain why it isn't covered.

The DoD Privacy Program regulations only require FOUO markings. Our SECNAVINST requires documents be marked FOUO - Privacy Sensitive. In deliberating this issue with our information security folks, they recommend we only use the FOUO since it isn't addressed in the DoD 5200.01 Volume 4. Since there is a disconnect on this particular issue between we Privacy types and those information security types, I was hoping you could reach out to the N09N folks and make sure this will be included in the SECNAV Security Manual before it is published.

For now, the advice I would like to provide to my POCs would be that we follow the current SECNAV Privacy Program policy because it implements references (b) and (c) (the DoD Privacy Program) and in response to this specific question regarding how to mark letters prepared for a preliminary inquiry, the documents would be maintained in a SOR covered by an exempt PA SORN and should at a minimum be marked FOUO but if the documents contain PII it should be marked FOUO - Privacy Sensitive.

I hope this makes sense and it doesn't sound as if I am just rambling on but your thoughts would be greatly appreciated.

Thanks

Respectfully,

(b)(6)

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MARY.P.SHAW> on behalf of Shaw, Phyllis CIV OPNAV, DNS-36C

**Sent:** Tuesday, January 07, 2014 13:44

**To:** (b)(6)

**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; (b) (6)  
(b) (6) OPNAV, DNS-36

**Subject:** FOUO - Privacy Sensitive Markings

**Signed By:** mary.p.shaw@navy.mil

(b)(6)

We have reviewed and agree that you should direct them to our SECNAVINST, which provides the proper abbreviation "For Official Use Only-Privacy Sensitive-Any misuse or unauthorized disclosure can result in both civil and criminal." We agree with the advice that you wish to provide to your POCs to follow the current SECNAV Privacy Program Policy. Our Office (DNS-36) will work together with DONCIO to ensure that the correct information is included in the SECNAV Security Manual before it is published.

If you have any questions please call the FOIA/Privacy Service Center Line at 202-685-0412 or email the donfoia-pa@navy.mil.

M. Phyllis Shaw  
Senior PA/FOIA Program Analyst  
Team Chief & DON FOIA Requester Service Center  
OPNAV/SECNAV Privacy/Freedom of Information Program Office  
DNS-36  
2000 Navy Pentagon  
Washington, DC 20350-2000  
PA/FOIA SERVICE CENTER: 202-685-0412  
Mailbox: DONFOIA-PA@navy.mil  
PRIVACY SERVICES: 202-685-6545  
DIRECT COM: 202-685-6530 DSN: 325-6530  
FAX: 202-685-6580  
mary.p.shaw@navy.mil

---BREAK---

-----Original Message-----

**From:** (b)(6)

**Sent:** Friday, November 22, 2013 2:14 PM

**To:** Patterson, Robin L CIV OPNAV, DNS-36; (b) (6) OPNAV, DNS-36

**Subject:** FOUO - Privacy Sensitive Markings

Robin, (b) (6)

I know you are super busy. However, I wanted to bring your attention to something that we have come up against a couple of times now. (b) (6) mentioned you had recently received a complaint about FOUO markings on documents also, not sure if it is the same exact circumstance but I wanted to get your take on the matter.

I have been told by our Personnel Security folks the former N09N (Personnel Security) is in the midst of rewriting the SECNAV Security Manual which would include markings for controlled unclassified information (CUI) including the FOUO - this would actually fall under Information Security.

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I hope this makes sense and it doesn't sound as if I am just rambling on but your thoughts would be greatly appreciated.

Thanks

(b)(6)



Respectfully,

(b)(6)





**From:** [Shaw, Phyllis CIV OPNAV, DNS-36C](#) on behalf of [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** (b) (6) [OPNAV, DNS-36](#)  
**Cc:** [Patterson, Robin L CIV OPNAV, DNS-36](#); (b)(6) [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**Subject:** FW: 9.16.13 FOIA Request Memo  
**Date:** Tuesday, January 07, 2014 13:47:34  
**Importance:** High

---

(b) (6)

Just to give you head's up..... here's another request!

Most Respectfully,

Phyllis

-----Original Message-----

From: Adam Weinstein [<mailto:adam.weinstein@gawker.com>]  
Sent: Tuesday, January 07, 2014 1:23 PM  
To: DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36  
Subject: 9.16.13 FOIA Request Memo

Ms. Patterson,

I'm the military and political affairs reporter for Gawker (and a former sailor & PAO for Multi-National Corps - Iraq). I'm writing to inquire about recent reports regarding an email you sent to a FOIA requester, which have been published online today (most of the reports also misidentify you as a "he").

Could you confirm that this email, detailing how DON would handle and respond to the reporter's requests, is authentic?

Was its transmission unintended?

The email in question was described by various outlets as instruction on how to "dodge" releases of info. How would you respond to those reports?

My deadline is 3 p.m. EST, but I am happy to update any filings with DON response whenever it may be convenient for you/a colleague to respond.

V/R,  
AW

---

Adam Weinstein  
Staff Writer  
Gawker  
[adam.weinstein@gawker.com](mailto:adam.weinstein@gawker.com)  
c. 415-713-9948  
t. @AdamWeinstein

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MARY.P.SHAW> on behalf of Patterson, Robin L CIV OPNAV, DNS-36

**Sent:** Tuesday, January 07, 2014 13:48

**To:** (b) (6) OPNAV, DNS-36

**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C

**Subject:** FW: 9.16.13 FOIA Request Memo

**Signed By:** mary.p.shaw@navy.mil

**Importance:** High

(b) (6)

Just to give you head's up..... here's another request!

Most Respectfully,

Phyllis

-----Original Message-----

From: Adam Weinstein [mailto:adam.weinstein@gawker.com]  
Sent: Tuesday, January 07, 2014 1:23 PM  
To: DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36  
Subject: 9.16.13 FOIA Request Memo

Ms. Patterson,

I'm the military and political affairs reporter for Gawker (and a former sailor & PAO for Multi-National Corps - Iraq). I'm writing to inquire about recent reports regarding an email you sent to a FOIA requester, which have been published online today (most of the reports also misidentify you as a "he").

Could you confirm that this email, detailing how DON would handle and respond to the reporter's requests, is authentic?

Was its transmission unintended?

The email in question was described by various outlets as instruction on how to "dodge" releases of info. How would you respond to those reports?

My deadline is 3 p.m. EST, but I am happy to update any filings with DON response whenever it may be convenient for you/a colleague to respond.

V/R,  
AW

---

Adam Weinstein

Staff Writer  
Gawker  
adam.weinstein@gawker.com  
c. 415-713-9948  
t. @AdamWeinstein

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C on behalf of Patterson, Robin L CIV OPNAV, DNS-36  
**Sent:** Tuesday, January 07, 2014 13:51  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf  
**Signed By:** mary.p.shaw@navy.mil

-FYI-

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 10:40 AM  
To: Muck, Steve CIV SECNAV, DON CIO  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Hi Steven...

I hope you're well. I wanted to call your attention to a disconcerting email and FOIA response sent to me today by NAVSEA FOIA employee Robin Patterson. I've attached the PDF (sent by Robin to me) to this email.

In the memo, Robin makes multiple objectionable references. Including:

- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

Phyllis Shaw alerted me that you have some form of supervision/oversight over the FOIA office. If so, I'd appreciate a response about the FOIA practices and response strategies illustrated by Robin's memo.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.
2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.
3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS;](#) (b)(6)  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36;](#) (b) (6) [OPNAV, DNS-36;](#) (b) (6) [OPNAV, DNS-36](#)  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

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Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of Identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 13:52

**To:**

(b)(6)

**Subject:**

FW: current HQWeb outage, Upcoming SIPR Taskers ASI

**Signed By:**

(b)(6)

DNS-3,

FYI.

V/r,

(b)(6)

-----Original Message-----

From (b)(6)

Sent: Tuesday, January 07, 2014 1:52 PM

To: (b)(6)

Subject: RE: current HQWeb outage, Upcoming SIPR Taskers ASI

All:

HQ Web and Taskers are currently both up and running. HQ Web Help Desk will continue to monitor the servers and will be sure to let you know if any other problems arise.

v/r,

(b)(6)

-----Original Message-----

From (b)(6)

Sent: Tuesday, January 07, 2014 12:51 PM

To: OPNAV ALL ACTR

Subject: current HQWeb outage, Upcoming SIPR Taskers ASI

ACTRs,

We are currently experiencing an outage of HQWeb/Taskers due to a failed HBSS install at our hosting facility in Tulsa. No ETR at this time, we will send word as soon as it is resolved.

Additionally, we will be upgrading SIPR TV5 to the new version (SIPR TV5.2) beginning this Friday at 1900. SIPR Navy Taskers (TV5) will be down from that time until early Sunday morning. Thank you.

V/r,

(b)(6)





(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=MARY.P.SHAW> on behalf of Patterson, Robin L CIV OPNAV, DNS-36  
**Sent:** Tuesday, January 07, 2014 13:53  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36  
**Subject:** FW: Clarification on FOIA  
**Signed By:** mary.p.shaw@navy.mil

-FYI-

-----Original Message-----

From (b)(6)  
Sent: Tuesday, January 07, 2014 10:33 AM  
To: Patterson, Robin L CIV OPNAV, DNS-36  
Cc: (b)(6) Lupton, Matt CTR OPNAV, DNS-36; (b)(6) OPNAV, DNS-36;  
(b)(6) OPNAV, DNS-36; (b)(6)  
(b)(6)  
Subject: Clarification on FOIA

Robin:

If I might ask for your assistance. As the WNYRTF FOIA POC, just talked to Matt to ask him to send me the specific NBC FOIA requests from 20 Dec. In so doing, he explained that this was being worked directly with NAVSEA and that there was no intent to make the TF aware of these until much later in the process.

If I recall, we discussed this about 2 months ago, namely all FOIA requests related to the events of 16 Sep are considered "significant" and processed accordingly. While I understand that these specific requests were sent to NAVSEA, per SECNAV's appointing order, until formally disestablished, the WNYRTF is "to ensure proper coordination of....responses to FOIA requests". As such, if we can ask that WNYRTF be kept cognizant of all of these FOIAs as they are received, reviewed and processed, not just at the end of the process. Senior-level attention across DoN remains focused on the wide range of recovery/response efforts to 16 Sep.

Please let me know if you have any questions. Many thanks and V/R,

(b)(6)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT: This email and any attachments are privileged, intended only for the addressee or designee, and nonreleasable outside DoD channels absent prior sender authorization. If received in error, please delete.

**From:** (b) (6) OPNAV, DNS-36 on behalf of [DONFOIA-PA](#)  
**To:** ["hgold@politico.com"](mailto:hgold@politico.com)  
**Cc:** [Patterson, Robin L CIV OPNAV, DNS-36](#); [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**Subject:** RE: @MacFarlaneNews Tweet  
**Date:** Tuesday, January 07, 2014 14:11:47  
**Attachments:** [2014F-0383.pdf](#)  
[2014F-0387.pdf](#)  
[2014F-0380.pdf](#)

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Ms. Gold,

Per our telephone conversation, this office (DON FOIA/Privacy Act Program Office)(DNS-36) is not authorized to make any statement on the veracity of alleged DON products which have not been disclosed through official channels.

As discussed, attached are the FOIA requests filed under FOIA Case Numbers DON 2014F-0380, DON 2014F-0383, and DON 2014F-0387. With rare exceptions (such as disclosure of privacy sensitive information other than the basic identity of the requester), DON FOIA requests are a matter of public record. You will note that the information above the initial email request has been redacted. While this information may be releasable to the public, we have determined that, in the interest of timely disclosure, redaction of any material that is not self-evidently a matter of public record is advisable.

V/r,

CNO(DNS-36) Navy FOIA Office  
(202) 685-0412

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:14  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: RE: @MacFarlaneNews Tweet  
**Attachments:** 2014F-0383.pdf; 2014F-0387.pdf; 2014F-0380.pdf  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

**From:** (b) (6) OPNAV, DNS-36 On Behalf Of DONFOIA-PA  
**Sent:** Tuesday, January 07, 2014 2:12 PM  
**To:** 'hgold@politico.com'  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** RE: @MacFarlaneNews Tweet

Ms. Gold,

Per our telephone conversation, this office (DON FOIA/Privacy Act Program Office)(DNS-36) is not authorized to make any statement on the veracity of alleged DON products which have not been disclosed through official channels.

As discussed, attached are the FOIA requests filed under FOIA Case Numbers DON 2014F-0380, DON 2014F-0383, and DON 2014F-0387. With rare exceptions (such as disclosure of privacy sensitive information other than the basic identity of the requester), DON FOIA requests are a matter of public record. You will note that the information above the initial email request has been redacted. While this information may be releasable to the public, we have determined that, in the interest of timely disclosure, redaction of any material that is not self-evidently a matter of public record is advisable.

V/r,

CNO(DNS-36) Navy FOIA Office  
(202) 685-0412

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Wednesday, December 11, 2013 12:50 PM

To: NSSC\_NAVSEA FOIA

Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested then please furnish me with a timely explanation.

I am requesting:

Copies of all photos in NAVSEA possession of the interior of Building 197 at NAVSEA HQ in DC.. from calendar years 2011, 2012 or 2013 that are \*NOT\* part of the investigation into a shooting inside said building on 9/16/13.

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.

A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in

matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4267 main newsroom

website <<http://www.nbcwashington.com/>> | vCard

<<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf>> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,-95.677068&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15>>

| email <<mailto:scott.macfarlane@nbcuni.com>>

Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Friday, December 06, 2013 6:12 PM

To: NSSC\_NAVSEA FOIA

Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to state public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested  
then please furnish me with a timely explanation.

I am requesting:

Copies of all memos authored by any of the following employees in September, October or November 2013.

William Hilarides

William Deligne

Thomas Kearney

Bryan Exum

Patrick Geary

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

I also request that, if appropriate, fees be waived as I believe this request is in the public interest and I am a member of the news media.

If rejected, I'm willing to pay any and all fees involved in the processing of this request, up to a limit of \$15.

I hereby request you inform me of any charges \*in advance of fulfilling my request.\* I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not

If only some of the information/materials requested is readily available, please forward said information immediately - then complete request upon receipt of further information/materials.



A compelling need exists to warrant expedited processing of this request, because a large number of our viewers are immediately impacted by the content of these records. These records relate directly to performance of government in matters of safety, health and well-being. These records also pertain to issues involving widespread media reporting in recent months. Delayed processing jeopardizes important, timely dissemination of information to the public.

Please provide records in electronic format.

Please feel free to contact me with any questions or concerns.

SCOTT MACFARLANE

I-Team Investigative Reporter

Description: NBC4 <<http://www.nbcwashington.com/>>

4001 Nebraska Avenue NW

Washington, DC 20016

202-507-1129 work cell

202-885-4267 main newsroom

website <<http://www.nbcwashington.com/>> | vCard

<<http://www.dynasend.com/signatures/get.php/scott.macfarlane-at-nbcuni.com.vcf>> | map

<<http://maps.google.com/maps?q=4001+Nebraska+Avenue+NW,+Washington,+DC+20016&hl=en&ll=38.941119,-77.082953&spn=0.028973,0.038581&sll=37.0625,-77.082953&sspn=59.467068,79.013672&hnear=4001+Nebraska+Ave+NW,+Washington,+District+of+Columbia+20016&t=m&z=15>>

| email <<mailto:scott.macfarlane@nbcuni.com>>

Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]

Sent: Friday, December 06, 2013 6:09 PM

To: NSSC\_NAVSEA FOIA

Subject: Media FOIA request

From:

Scott MacFarlane (News Media - WRC-TV)

NBC Washington

4001 Nebraska Avenue

Washington, DC 20016

202-507-1129

Pursuant to state public records rules and the federal Freedom Of Information Act, 5 USC 552, and the Privacy Act of 1974, 5 USC 552a, I hereby request copies of the following documents.

If for any reason you chose not to send me any of the documents or papers requested

then please furnish me with a timely explanation.

I am requesting:

Copies of emails sent or received from all (navy.mil) addresses of the following NAVSEA employees between 0800 (8am eastern) and 0930 (9:30am eastern) on 9/16/13.

William Hilarides

William Deligne

Thomas Kearney

Bryan Exum

Patrick Geary

In the event that some of the material is considered by you to be exempt from disclosure under both Acts, then please include all segregable portions of documents and the specific exemption you are relying upon to deny disclosure of the excised portions. Please note that in order to avoid disclosure you must claim an appropriate exemption under both Acts.

I am requesting that you abide by the statutory time within which to make a determination on this request, that being twenty (20) working days from your receipt under Section 552(a) (6)(A)(i).

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Please feel free to contact me with any questions or concerns.

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Follow me on Twitter at @MacFarlaneNews <<https://twitter.com/#!/MacFarlaneNews>>

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:30  
**To:** Hughes CIV Sally  
**Cc:** (b)(6) Shaw CIV Mary P  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** mary.p.shaw@navy.mil

Sally:

I just sent everything that I had in my emails on this case to you.

Sorry about the over kill.

Most Respectfully,

Phyllis

-----Original Message-----

From: Hughes CIV Sally [mailto:sally.hughes@usmc.mil]  
Sent: Monday, February 03, 2014 2:24 PM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Cc: (b)(6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Phyllis, I only need emails that you sent to Robin's Comcast address. Sally

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]  
Sent: Monday, February 03, 2014 2:13 PM  
To: Hughes CIV Sally  
Cc: (b)(6)  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

-----Original Message-----

From: Muck, Steve CIV SECNAV, DON CIO  
Sent: Tuesday, January 07, 2014 2:41 PM  
To: MacFarlane, Scott (NBCUniversal)  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36; (b)(6)  
(b)(6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Mr. MacFarlane, I appreciate your email and had been advised earlier today by Ms. Shaw that the references you refer to below, were made. Please accept my apologies and know that the Department of the Navy strives for accurate and timely responses to all FOIA requestors. I will personally discuss the matter with Robin upon her return to the office in an effort to prevent a similar occurrence. If you wish to discuss further I can be reached at 703 695 1297.

Steve Muck  
DON CIO Compliance Branch Head/FOIA Public Liaison

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 10:40 AM  
To: Muck, Steve CIV SECNAV, DON CIO  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Hi Steven...

I hope you're well. I wanted to call your attention to a disconcerting email and FOIA response sent to me today by NAVSEA FOIA employee Robin Patterson. I've attached the PDF (sent by Robin to me) to this email.

In the memo, Robin makes multiple objectionable references. Including:

- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

Phyllis Shaw alerted me that you have some form of supervision/oversight over the FOIA office. If so, I'd appreciate a response about the FOIA practices and response strategies illustrated by Robin's memo.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)

To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** (b) (6) OPNAV, DNS-36 on behalf of [DONFOIA-PA](#)  
**To:** ["Adam Weinstein"](#)  
**Cc:** [Patterson, Robin L CIV OPNAV, DNS-36](#); [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**Subject:** RE: 9.16.13 FOIA Request Memo  
**Date:** Tuesday, January 07, 2014 14:33:19

---

Mr. Weinstein,

DON FOIA/Privacy Act Program Office(DNS-36) is not authorized to make any statement on the veracity of alleged DON products which have not been disclosed through official channels.

All DON FOIA requests are processed in accordance with 32 CFR 701, in conjunction with DOJ interpretation of statute and case law (publicly available at <http://www.justice.gov/oip/foia-guide.html>).

V/r,

CNO(DNS-36) Navy FOIA Office  
(202) 685-0412

-----Original Message-----

From: Adam Weinstein [<mailto:adam.weinstein@gawker.com>]  
Sent: Tuesday, January 07, 2014 1:23 PM  
To: DONFOIA-PA; Patterson, Robin L CIV OPNAV, DNS-36  
Subject: 9.16.13 FOIA Request Memo

Ms. Patterson,

I'm the military and political affairs reporter for Gawker (and a former sailor & PAO for Multi-National Corps - Iraq). I'm writing to inquire about recent reports regarding an email you sent to a FOIA requester, which have been published online today (most of the reports also misidentify you as a "he").

Could you confirm that this email, detailing how DON would handle and respond to the reporter's requests, is authentic?

Was its transmission unintended?

The email in question was described by various outlets as instruction on how to "dodge" releases of info. How would you respond to those reports?

My deadline is 3 p.m. EST, but I am happy to update any filings with DON response whenever it may be convenient for you/a colleague to respond.

V/R,  
AW

---

Adam Weinstein  
Staff Writer  
Gawker  
[adam.weinstein@gawker.com](mailto:adam.weinstein@gawker.com)  
c. 415-713-9948  
t. @AdamWeinstein



(b) (6)

**From:** Muck, Steve CIV SECNAV, DON CIO  
**Sent:** Tuesday, January 07, 2014 14:41  
**To:** MacFarlane, Scott (NBCUniversal)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36 (b)(6)  
(b)(6)  
**Subject:** RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** steven.muck@navy.mil

Mr. MacFarlane, I appreciate your email and had been advised earlier today by Ms. Shaw that the references you refer to below, were made. Please accept my apologies and know that the Department of the Navy strives for accurate and timely responses to all FOIA requestors. I will personally discuss the matter with Robin upon her return to the office in an effort to prevent a similar occurrence. If you wish to discuss further I can be reached at 703 695 1297.

Steve Muck  
DON CIO Compliance Branch Head/FOIA Public Liaison

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 10:40 AM  
To: Muck, Steve CIV SECNAV, DON CIO  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Hi Steven...

I hope you're well. I wanted to call your attention to a disconcerting email and FOIA response sent to me today by NAVSEA FOIA employee Robin Patterson. I've attached the PDF (sent by Robin to me) to this email.

In the memo, Robin makes multiple objectionable references. Including:

- 1) "just because they are media doesn't mean that the memos would shed light on specific government activities"
- 2) "fish expeditions"

Phyllis Shaw alerted me that you have some form of supervision/oversight over the FOIA office. If so, I'd appreciate a response about the FOIA practices and response strategies illustrated by Robin's memo.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell

202-885-4506 direct

website | vCard | map | email

Follow me on Twitter at @MacFarlaneNews

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]

Sent: Tuesday, January 07, 2014 8:24 AM

To: MacFarlane, Scott (NBCUniversal)

Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)

To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or matthew.lupton.ctr@navy.mil.

Sincerely,

Robin Patterson

Head, DON FOIA/PA Program Office

**From:** (b)(6)  
**To:** (b)(6); [OPNAV, DNS-36](#); (b)(6);  
(b)(6); [Lupton, Matt](#)  
[CTR OPNAV, DNS-36](#); (b)(6); [OPNAV, DNS-36](#); (b)(6); [OPNAV, DNS-36](#); [Patterson,](#)  
[Robin L CIV OPNAV, DNS-36](#); (b)(6); [OPNAV, DNS-36](#); (b)(6);  
[Shaw, Phyllis CIV OPNAV, DNS-36C](#); (b)(6); [OPNAV, DNS-36](#); (b)(6);  
(b)(6)  
**Cc:**  
**Subject:** DNS-3 WNY Meeting w/ (b)(6)  
**Date:** Tuesday, January 07, 2014 14:44:28

---

DNS-3,

(b)(6) ill be coming over tomorrow at 1500 to conduct a "town hall" style meeting with DNS-3.

We will conduct the meeting in the fishbowl.

Phyllis (b)(6) advise if you have any conflicts with your shops.

AI you are welcome but not required to attend.

V/r,  
(b)(6)

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Tuesday, January 07, 2014 14:45  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** mary.p.shaw@navy.mil

Robin:

Steve has gone back out to the requester!

v/r,

Phyllis

-----Original Message-----

From: Muck, Steve CIV SECNAV, DON CIO  
Sent: Tuesday, January 07, 2014 2:41 PM  
To: MacFarlane, Scott (NBCUniversal)  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36; (b)(6)  
(b)(6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Mr. MacFarlane, I appreciate your email and had been advised earlier today by Ms. Shaw that the references you refer to below, were made. Please accept my apologies and know that the Department of the Navy strives for accurate and timely responses to all FOIA requestors. I will personally discuss the matter with Robin upon her return to the office in an effort to prevent a similar occurrence. If you wish to discuss further I can be reached at 703 695 1297.

Steve Muck  
DON CIO Compliance Branch Head/FOIA Public Liaison

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 10:40 AM  
To: Muck, Steve CIV SECNAV, DON CIO  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Hi Steven...

I hope you're well. I wanted to call your attention to a disconcerting email and FOIA response sent to me today by NAVSEA FOIA employee Robin Patterson. I've attached the PDF (sent by Robin to me) to this email.

In the memo, Robin makes multiple objectionable references. Including:

1) "just because they are media doesn't mean that the memos would shed light on specific government activities"

2) "fish expeditions"

Phyllis Shaw alerted me that you have some form of supervision/oversight over the FOIA office. If so, I'd appreciate a response about the FOIA practices and response strategies illustrated by Robin's memo.

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,

Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Tuesday, January 07, 2014 14:46  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Signed By:** mary.p.shaw@navy.mil

-FYI-

-----Original Message-----

From: Muck, Steve CIV SECNAV, DON CIO  
Sent: Tuesday, January 07, 2014 2:41 PM  
To: MacFarlane, Scott (NBCUniversal)  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36; (b)(6)  
(b)(6)  
Subject: RE: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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Steve Muck  
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Sent: Tuesday, January 07, 2014 10:40 AM  
To: Muck, Steve CIV SECNAV, DON CIO  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C; Lupton, Matt CTR OPNAV, DNS-36  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

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SCOTT MACFARLANE  
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-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

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Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office



**From:** (b) (6) OPNAV, DNS-36  
**To:** (b)(6)  
**Cc:** [Patterson, Robin L CIV OPNAV, DNS-36](#); [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**Subject:** @MacFarlaneNews Tweet  
**Date:** Tuesday, January 07, 2014 14:50:20  
**Attachments:** [RE 9.16.13 FOIA Request Memo \(7.88 KB\).msg](#)  
[RE @MacFarlaneNews Tweet \(171 KB\).msg](#)

---

(b)(6)

Per our telephone conversation:

<https://twitter.com/MacFarlaneNews/>

<https://twitter.com/MacFarlaneNews/status/420585903673724928>

<https://twitter.com/MacFarlaneNews/status/420581517941678080>

At this point, we have been contacted by Gawker Media (via email) and Politico (via telephone). Our responses (via email) are attached.

V/r,

(b) (6)

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 14:50

**To:**

(b)(6) Patterson, Robin L CIV OPNAV, DNS-36

**Cc:**

(b)(6) Lupton, Matt CTR OPNAV, DNS-36; (b) (6)

(b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36; (b)(6)

(b)(6) Hamlin, Donna M CIV NAVSEA, SEA COS; (b)(6)

(b)(6)

**Subject:**

RE: Clarification on FOIA

**Signed By:**

(b)(6)

(b)(6) Appreciate it, with all FOIA requests related to events of 9/16 as "significant", just wanted to insure that all the procedural requirements of DoDD 5400.07 are met, and that the TF retains visibility as FOIA issues are being worked.

V/R, (b)(6)

(b)(6)

ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT: This email and any attachments are privileged, intended only for the addressee or designee, and nonreleasable outside DoD channels absent prior sender authorization. If received in error, please delete.

-----Original Message-----

From (b)(6)

Sent: Tuesday, January 07, 2014 12:08 PM

To (b)(6) Patterson, Robin L CIV OPNAV, DNS-36

Cc: (b)(6) Lupton, Matt CTR OPNAV, DNS-36; (b) (6) OPNAV, DNS-36;

(b) (6) OPNAV, DNS-36; (b)(6) Hamlin, Donna M CIV NAVSEA, SEA

COS; (b)(6)

Subject: RE: Clarification on FOIA

(b)(6)

After NAVSEA completes its review of the four FOIAs from the NBC reporter, the intent is, and has been, to coordinate with the Task Force prior to any release.

I have copied Donna Hamlin and (b)(6) on this email. Donna is the FOIA Officer for NAVSEA, and (b)(6) is the attorney advising Donna on these FOIAs.

If you have any questions, please do not hesitate to contact Donna or (b)(6)

Thank you.

v/r,

(b)(6)

-----Original Message-----

From (b)(6)

Sent: Tuesday, January 07, 2014 10:33 AM

To: Patterson, Robin L CIV OPNAV, DNS-36

Cc (b)(6) Lupton, Matt CTR OPNAV, DNS-36; (b)(6) OPNAV, DNS-36;

(b)(6) OPNAV, DNS-36; (b)(6)

(b)(6)

Subject: Clarification on FOIA

Robin:

If I might ask for your assistance. As the WNYRTF FOIA POC, just talked to Matt to ask him to send me the specific NBC FOIA requests from 20 Dec. In so doing, he explained that this was being worked directly with NAVSEA and that there was no intent to make the TF aware of these until much later in the process.

If I recall, we discussed this about 2 months ago, namely all FOIA requests related to the events of 16 Sep are considered "significant" and processed accordingly. While I understand that these specific requests were sent to NAVSEA, per SECNAV's appointing order, until formally disestablished, the WNYRTF is "to ensure proper coordination of....responses to FOIA requests". As such, if we can ask that WNYRTF be kept cognizant of all of these FOIAs as they are received, reviewed and processed, not just at the end of the process. Senior-level attention across DoN remains focused on the wide range of recovery/response efforts to 16 Sep.

Please let me know if you have any questions. Many thanks and V/R,

(b)(6)

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(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:23  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: Politico Blog Post  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

**From:** (b) (6) OPNAV, DNS-36  
**Sent:** Tuesday, January 07, 2014 3:08 PM  
**To:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36  
**Subject:** Politico Blog Post

Ms. Gold posted the following article:

<http://www.politico.com/blogs/media/2014/01/navy-mistakenly-sends-foia-plans-to-reporter-180712.html>

Considering the post time, she likely had the entire thing nearly typed up by the time she called us.

(b) (6)

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:27  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: Politico Blog Post  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 3:09 PM  
To: (b)(6) Patterson, Robin L CIV OPNAV, DNS-36  
Cc: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FW: Politico Blog Post

FYI

-----Original Message-----

From: (b) (6) OPNAV, DNS-36  
Sent: Tuesday, January 07, 2014 3:08 PM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Cc: Patterson, Robin L CIV OPNAV, DNS-36  
Subject: Politico Blog Post

Ms. Gold posted the following article:

<http://www.politico.com/blogs/media/2014/01/navy-mistakenly-sends-foia-plans-to-reporter-180712.html>

Considering the post time, she likely had the entire thing nearly typed up by the time she called us.

(b) (6)

**From:** [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**To:** (b)(6)  
**Cc:** [Patterson, Robin L CIV OPNAV, DNS-36](#); [Shaw, Phyllis CIV OPNAV, DNS-36C](#)  
**Subject:** FW: @MacFarlaneNews Tweet  
**Date:** Tuesday, January 07, 2014 15:09:59  
**Attachments:** [RE 9.16.13 FOIA Request Memo \(7.88 KB\).msg](#)  
[RE @MacFarlaneNews Tweet \(171 KB\).msg](#)

---

FYI..... CHINFO Contacted.

-----Original Message-----

**From:** (b)(6) OPNAV, DNS-36  
**Sent:** Tuesday, January 07, 2014 2:50 PM  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
**Subject:** @MacFarlaneNews Tweet

(b)(6)

Per our telephone conversation:

<https://twitter.com/MacFarlaneNews/>

<https://twitter.com/MacFarlaneNews/status/420585903673724928>

<https://twitter.com/MacFarlaneNews/status/420581517941678080>

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V/r,

(b)(6)

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C  
**Sent:** Tuesday, January 07, 2014 15:09  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV  
OPNAV, DNS-36C  
**Subject:** (b)(6) resume  
**Attachments:** (b)(6) Letter.pdf; (b)(6) Resume.pdf  
**Signed By:** mary.p.shaw@navy.mil

(b)(6)

After reviewing (b)(6) resume and speaking with Robin this afternoon we would like to have (b)(6) join our DNS-36 Team next week as our (b)(6)

Most Respectfully,

M. Phyllis Shaw  
Senior PA/FOIA Program Analyst  
Team Chief & DON FOIA Requester Service Center  
OPNAV/SECNAV Privacy/Freedom of Information Program Office  
DNS-36  
2000 Navy Pentagon  
Washington, DC 20350-2000  
PA/FOIA SERVICE CENTER: 202-685-0412  
Mailbox: DONFOIA-PA@navy.mil  
PRIVACY SERVICES: 202-685-6545  
DIRECT COM: 202-685-6530 DSN: 325-6530  
FAX: 202-685-6580  
mary.p.shaw@navy.mil

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:23  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: @MacFarlaneNews Tweet  
**Attachments:** Untitled attachment 00646.eml (35 bytes); Untitled attachment 00652.eml (35 bytes)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 3:10 PM  
To: (b)(6)  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FW: @MacFarlaneNews Tweet

FYI..... CHINFO Contacted.

-----Original Message-----

From: (b) (6) OPNAV, DNS-36  
Sent: Tuesday, January 07, 2014 2:50 PM  
To: (b)(6)  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: @MacFarlaneNews Tweet

(b)(6)

Per our telephone conversation:

<https://twitter.com/MacFarlaneNews/>

<https://twitter.com/MacFarlaneNews/status/420585903673724928>

<https://twitter.com/MacFarlaneNews/status/420581517941678080>

At this point, we have been contacted by Gawker Media (via email) and Politico (via telephone). Our responses (via email) are attached.

V/r,

(b) (6)



**From:** [Adam Weinstein](#)  
**To:** [DONFOIA-PA](#); [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**Subject:** 9.16.13 FOIA Request Memo  
**Date:** Tuesday, January 07, 2014 13:23:42

---

Ms. Patterson,

I'm the military and political affairs reporter for Gawker (and a former sailor & PAO for Multi-National Corps - Iraq). I'm writing to inquire about recent reports regarding an email you sent to a FOIA requester, which have been published online today (most of the reports also misidentify you as a "he").

Could you confirm that this email, detailing how DON would handle and respond to the reporter's requests, is authentic?

Was its transmission unintended?

The email in question was described by various outlets as instruction on how to "dodge" releases of info. How would you respond to those reports?

My deadline is 3 p.m. EST, but I am happy to update any filings with DON response whenever it may be convenient for you/a colleague to respond.

V/R,  
AW

---

Adam Weinstein  
Staff Writer  
Gawker  
[adam.weinstein@gawker.com](mailto:adam.weinstein@gawker.com)  
c. 415-713-9948  
t. @AdamWeinstein

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 15:30

**To:**

(b)(6)

**Cc:**

Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C;

**Subject:**

FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

**Attachments:**

2014F000383 EMAIL FRM DNS-36.pdf; navsea foia response.pdf; 2014F000383 RESP TO REQ 1-7-14.pdf

**Signed By:**

(b)(6)

**Importance:**

High

Sir,

Matt Lupton in error attached Robin Patterson's internal email to Donna Hamlin (NAVSEA) regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. official response letter to Mr. Macfarlane (original requester).

POCS

Steve Muck ----DON CIO POC

Donna Hamlin--NAVSEA FOIA LEAD

Robin Patterson-DNS-36 Branch Head

Phyllis Shaw-----DNS-36 Deputy

Matt Lupton-----DNS-36 Contractor

Attached documents:

INCORRECTLY SENT

1) 2014F000383 EMAIL FRM DNS-36.pdf

2) navsea foia response.pdf

CORRECT Documents (Sent after incorrect documents were emailed)

1) 2014F000383 RESP TO REQ 1-7-14.pdf

V/r,

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 10:53 AM

To: (b) (6) NAVSEA, SEA COS; Hamlin, Donna M CIV NAVSEA, SEA COS

Cc: Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C;  
(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

(b) (6)

This is a follow-up from the voice mail that I just left you. Please see the email below.

I spoke with Robin this morning. Can you locate the photo's in a library? You need to speak with (b) (6) in Public Affairs as soon as possible since Donna is out of the office and get as much facts as you can regarding Scott MacFarlane's @ NBC FOIA request.

NAVSEA needs to start the process on his FOIA request now if you have not already done so.

Steve Muck @ DONCIO has been aware of the fact that the attached internal email(s) was sent in error to Mr. MacFarlane along with NAVSEA's referral letter vs. our response to the requester.

I spoke with (b)(6) and have emailed (b)(6) this email and a recent follow-up one from Mr. MacFarlane for assistance on damage control and DoD's recommendations. Will forward second email shortly.

Please give me a call at 202-685-6530 and we can discuss.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 9:25 AM

To: (b)(6)

Cc: Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); Robin Patterson; Muck, Steve CIV SECNAV, DON CIO;

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Robin:

I just tried to call. When you get a chance I would like to discuss this incident with you. I Just got off of the phone with Scott MacFarlane @ NBC. He is not happy with the attached document(s) that was forwarded to him via email. Matt in error attached your internal email to Donna regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. our response letter to him.

Mr. Macfarlane asked to speak to our FOIA Policy Officer. I provided him with Steve Muck's name and number. I called Steve and gave him a heads up regarding Mr. Macfarlane's concern regarding our comments about him being on a "fishing expedition" and that he believes this would make a great story for the news.

Matt just advised me that he received a follow-up email from Mr. Macfarlane in which I will forward to you shortly.

Talk with you soon.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:56 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

It's attached....

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)

Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035

Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.

2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.

3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

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Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

---

Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

Dear Mr. MacFarlane:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER  
DON 2014F000383/NAVSEA 2014F000035

This is in reference to your Freedom of Information Act (FOIA) request dated December 6, 2013. Your request was received in our office on December 20, 2013.

We have determined that the information you are seeking may be maintained by the Commander, Naval Sea Systems Command (NAVSEA) located at 1333 Isaac Hull Avenue SE, Washington Navy Yard, DC 20376. Therefore, we have forwarded your request to that office for action and direct response to you.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at NAVSEA directly at (202) 781-2437. When contacting NAVSEA, please reference case number NAVSEA 2014F000035.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office



(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:24  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
**Attachments:** 2014F000383 EMAIL FRM DNS-36.pdf; navsea foia response.pdf; 2014F000383 RESP TO REQ 1-7-14.pdf  
**Signed By:** mary.p.shaw@navy.mil  
**Importance:** High

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C  
Sent: Tuesday, January 07, 2014 3:34 PM  
To: (b)(6)  
Cc: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

-FYI-

-----Original Message-----

From: (b)(6)  
Sent: Tuesday, January 07, 2014 3:30 PM  
To: (b)(6)  
Cc: Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C (b)(6)  
(b)(6)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML  
Importance: High

Sir,

Matt Lupton in error attached Robin Patterson's internal email to Donna Hamlin (NAVSEA) regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. official response letter to Mr. Macfarlane (original requester).

POCS

Steve Muck ----DON CIO POC  
Donna Hamlin--NAVSEA FOIA LEAD  
Robin Patterson-DNS-36 Branch Head  
Phyllis Shaw-----DNS-36 Deputy  
Matt Lupton-----DNS-36 Contractor

Attached documents:

INCORRECTLY SENT

1) 2014F000383 EMAIL FRM DNS-36.pdf

2) navsea foia response.pdf

CORRECT Documents (Sent after incorrect documents were emailed)

1) 2014F000383 RESP TO REQ 1-7-14.pdf

V/r,

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 10:53 AM

To: (b)(6) Hamlin, Donna M CIV NAVSEA, SEA COS

Cc: Patterson, Robin L CIV OPNAV, DNS-36C; (b)(6) Shaw, Phyllis CIV OPNAV, DNS-36C;

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

(b)(6)

This is a follow-up from the voice mail that I just left you. Please see the email below.

I spoke with Robin this morning. Can you locate the photo's in a library? You need to speak with (b)(6) in Public Affairs as soon as possible since Donna is out of the office and get as much facts as you can regarding Scott MacFarlane's @ NBC FOIA request.

NAVSEA needs to start the process on his FOIA request now if you have not already done so.

Steve Muck @ DONCIO has been aware of the fact that the attached internal email(s) was sent in error to Mr. MacFarlane along with NAVSEA's referral letter vs. our response to the requester.

I spoke with (b)(6) and have emailed (b)(6) this email and a recent follow-up one from Mr. MacFarlane for assistance on damage control and DoD's recommendations. Will forward second email shortly.

Please give me a call at 202-685-6530 and we can discuss.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C

Sent: Tuesday, January 07, 2014 9:25 AM

To: (b)(6)

Cc: Shaw, Phyllis CIV OPNAV, DNS-36C (mary.p.shaw@navy.mil); Robin Patterson; Muck, Steve CIV SECNAV, DON CIO;

(b)(6)

Subject: FW: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

Importance: High

Robin:

I just tried to call. When you get a chance I would like to discuss this incident with you. I Just got off of the phone with Scott MacFarlane @ NBC. He is not happy with the attached document(s) that was forwarded to him via email. Matt in error attached your internal email to Donna regarding the WNY incident and sent Mr. Macfarlane NAVSEA's referral letter vs. our response letter to him.

Mr. Macfarlane asked to speak to our FOIA Policy Officer. I provided him with Steve Muck's name and number. I called Steve and gave him a heads up regarding Mr. Macfarlane's concern regarding our comments about him being on a "fishing expedition" and that he believes this would make a great story for the news.

Matt just advised me that he received a follow-up email from Mr. Macfarlane in which I will forward to you shortly.

Talk with you soon.

Most Respectfully,

Phyllis

---BREAK---

-----Original Message-----

From: MacFarlane, Scott (NBCUniversal) [mailto:Scott.MacFarlane@nbcuni.com]  
Sent: Tuesday, January 07, 2014 8:56 AM  
To: Shaw, Phyllis CIV OPNAV, DNS-36C  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

It's attached....

SCOTT MACFARLANE  
Reporter

4001 Nebraska Avenue NW  
Washington, DC 20016

202-507-1129 work cell  
202-885-4506 direct

[website](#) | [vCard](#) | [map](#) | [email](#)

Follow me on Twitter at [@MacFarlaneNews](#)

-----Original Message-----

From: Lupton, Matt CTR OPNAV, DNS-36 [mailto:matthew.lupton.ctr@navy.mil]  
Sent: Tuesday, January 07, 2014 8:24 AM  
To: MacFarlane, Scott (NBCUniversal)  
Subject: FOIA CASE DON 2014F000383/NAVSEA 2014F000035 REF TO NAVSEA ML

From: Chief of Naval Operations (DNS-36)  
To: Commander, Naval Sea Systems Command, Code 00D3 (NAVSEA)  
  
Subj: FREEDOM OF INFORMATION ACT REQUEST OF NBC WASHINGTON (SCOTT MACFARLANE);  
NAVSEA FOIA CASE NUMBER 2014F000035  
  
Ref: (a) SECNAVINST 5720.42F

Encl: (1) Mr. MacFarlane's FOIA request of 6 Dec 13  
(2) Email Notice of Referral to Mr. MacFarlane of 7 Jan 14

1. Enclosure (1) is forwarded to your office for action as a matter under your cognizance and for direct response to the requester within 20 working days as prescribed by reference (b). Enclosure (2) is provided for your information.
2. We have generated a new case in the NAVSEA Case Tracker at your site. The NAVSEA case number for this FOIA request is 2014F000035.
3. Enclosure (1) was received by this office on 20 Dec 13. Questions concerning this matter may be directed to Matthew Lupton at (202) 685-6509 or [matthew.lupton.ctr@navy.mil](mailto:matthew.lupton.ctr@navy.mil).

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS](#); (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36](#); (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

Donna,

Reviewed the NAVSEA cases and determined that all but one will be transferred back to your office for processing, (only one is specific enough to the event), as follows:

DON 2014F-0378 (NBC Washington): Advise that you contact the NAVSEA security office and ask the following questions: 1. Do they have an indexed video library (i.e. training videos). 2. Can they determine if any videos were specifically "NAVSEA produced"? This is "not" a request for daily security footage or tapes.... and I would not consider this request specific to the NAVSEA incident.

DON FOIA 2014F-0380: I think the appropriate response is " cameras are prohibited from the premises, with the exception of "official photos" of specific events and assemblies, or ceremonies, such as retirements..... Public Affairs is the only authorized place to get a camera for official use. I don't think the Public Affairs office has an official "photo library" and there may not be a requirement to have one ... So if no "photo library exists" and photos are used for specific articles, publications, or events and then routinely destroyed ... or some photos may be kept in specific "subject/topic" or "by date" folders, that system of records would have a disposition requirement. This request is too broad to tie to the specific event. If you discover that there is a "photo library", I would recommend negotiating with the requester, or explain that the library does not contain a subject "interior of building 197" and there is no way of Identifying "all photos that were taken in the "interior of building 197".... after you get more record keeping info from Public Affairs, (b) (6) can help with crafting the language for "fishing expedition", or request to broad.

Case DON 2014F-0383: the memos are all serialized and in the individual offices -official systems of records. Recommend that you provide the requester with an estimate, as I can see the search and review, possible redactions, will be very costly. This may encourage the requester to "narrow the scope". Again another "fish expedition" - just because they are media doesn't mean that the memos would shed light on specific government activities.

DON2014F-0387: this one is specific enough that we may be able to deny. However, I want to talk with the FBI, as they may have "all emails during that time, in their possession."

I'm scheduled for leave starting tomorrow - and should be back on the 13th. If you have any questions or concerns contact Matt, and he will get ahold of me, if necessary. Please send an acknowledgement for all requests and follow up on the 10 day extension letters. Some of the requesters have already filed appeals - so the administrative files need to be kept up-to-date. Remember if you need our assistance at any point during the process, just let us know. Additionally, I would like to see the final response letters prior to release for each of these cases - as it may be necessary to notify DoD or other stakeholders.

Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Patterson, Robin L CIV OPNAV, DNS-36](#)  
**To:** [Hamlin, Donna M CIV NAVSEA, SEA COS;](#) (b) (6) NAVSEA, SEA COS  
**Cc:** [Lupton, Matt CTR OPNAV, DNS-36;](#) (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36  
**Subject:** FOIA requests non-9/16/13 specific  
**Date:** Thursday, January 02, 2014 15:12:11

---

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Respectfully,

Robin Patterson  
Head, DON FOIA/PA Program Office (DNS-36).  
CNO Office of The Director, Navy Staff  
Organization and Management Division  
FOIA/PA Service Center 202 685-0412 DONFOIA-PA@NAVY.MIL  
Direct line 202 685-6545 Robin.Patterson@navy.mil

**From:** [Lupton, Matt CTR OPNAV, DNS-36](#) on behalf of [DONFOIA-PA](#)  
**To:** [scott.macfarlane@nbcuni.com](mailto:scott.macfarlane@nbcuni.com)  
**Subject:** FOIA CASE DON 2014F000383/NAVSEA 2014F000035 RESP TO REQ ML  
**Date:** Tuesday, January 07, 2014 8:17:00

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Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

Dear Mr. MacFarlane:

SUBJECT: YOUR FREEDOM OF INFORMATION ACT REQUEST; FOIA CASE NUMBER  
DON 2014F000383/NAVSEA 2014F000035

This is in reference to your Freedom of Information Act (FOIA) request dated December 6, 2013. Your request was received in our office on December 20, 2013.

We have determined that the information you are seeking may be maintained by the Commander, Naval Sea Systems Command (NAVSEA) located at 1333 Isaac Hull Avenue SE, Washington Navy Yard, DC 20376. Therefore, we have forwarded your request to that office for action and direct response to you.

Questions regarding the action this office has taken during the initial processing of your request may be directed to our FOIA service center at (202) 685-0412. For questions regarding the current status of your request, please contact a FOIA Coordinator at NAVSEA directly at (202) 781-2437. When contacting NAVSEA, please reference case number NAVSEA 2014F000035.

Sincerely,  
Robin Patterson  
Head, DON FOIA/PA Program Office

(b) (6)

**From:** (b) (6) OPNAV, DNS-36 </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=(b) (6)> on behalf of (b) (6) OPNAV, DNS-36

**Sent:** Tuesday, January 07, 2014 15:37

**To:** Shaw, Phyllis CIV OPNAV, DNS-36C

**Cc:** Patterson, Robin L CIV OPNAV, DNS-36

**Subject:** For the Program Attorney

**Signed By:** (b) (6) @navy.mil

Per our discussion:

NAVSEA received 4 FOIA requests from NBC News that appeared to hold some relation to the Sept 16 shooting. NAVSEA contacted DNS-36 for processing guidance.

Upon review of the requests, Ms. Patterson concluded the following:

2014F-0378 - Unrelated to 9/16. Contact NAVSEA security office re: video library.

2014F-0380 - Potentially responsive records isolated to a specific office, but unable to identify responsive records by the description provided.

2014F-0383 - Potentially large number of documents.

2014F-0387 - Likely close enough relation that (b)(6) applies. Coordinate with FBI.

While processing the requests for referral to NAVSEA Headquarters for processing, a DNS-36 staff member inadvertently included the memo discussing processing of the requests to the requester. The requester seized upon this error and publicly posted the memo via twitter.

The requester seems to have taken specific issue with the following:

"Fishing expedition" - While this term is not very flattering, it is a concept that has been specifically addressed in FOIA case law. The FOIA is a records disclosure statute, and records must be reasonably described such that an individual familiar with the subject area could identify the records with a reasonable amount of effort. The accusation of a "fishing expedition" refers to the practice of wording requests as vaguely as possible, in the hopes of discovering interesting things the requester would not have known to specifically ask for. Such a practice is considered an abuse of the FOIA, with case law explicitly denying its legitimacy. Terminology aside, the reasoning before the "fishing expedition" statement indicates that the request is not reasonably described and therefore not a proper FOIA request. In such cases, the requester is contacted in order to refine the request such that it may be considered "reasonably described."

"very costly" "Just because they are media" - This appears to go foul of two principles: fees should not be used to discourage requesters; and news/media category is granted a waiver of search and review fees (and first 100 pages of duplication).

A fee estimate is a practical consideration, and the estimate of massive fees tends to be more directed toward illustrating to the requester the scale and volume of the records requested - requesters often fail to realize the scope of their requests, and have no interest in combing through thousands of pages of "responsive" documents for the documents they truly wanted. The attempt to narrow the scope of the request is an attempt to provide the requester with only the records they desire, reducing both cost and processing time in the service of the requester.

Fee categories are based upon the intended/prospective use of responsive records. While a requester may ostensibly be a member of the news media, he is only granted news/media status if his request appears to be directed toward a news/media purpose. A requester cannot simply request thousands of pages of seemingly unrelated



documents, then argue that he is exempt from search and review fees because he happens to be employed by a newspaper - if there is a legitimate question, he must indicate how the requested records can be reasonably expected to serve a news/media purpose.

Implied presumption of denial - This is a contextual matter. In general principle, in accordance with the President's Memorandum and the Attorney General's guidance, the FOIA is executed under a "presumption of disclosure." In this specific instance, however, the denial is in part a foregone conclusion - the investigation is still ongoing, so the information will be denied; DON has no discretion in that regard. The requests appear to be worded to gather all records that might be relevant to 9/16 and yet are not directly involved in the investigation. As a result, it is most likely that responsive records would be vaguely described (and possibly a "fishing expedition") or described clearly enough to determine that yes, they are in fact related to the ongoing investigation and must be denied.

Shortly after the memo was posted to Twitter, DNS-36 received a phone call from Politico, an email from Gawker Media, and a FOIA request from MuckRock. Email responses were sent to Politico and Gawker Media, to the general effect of "no comment." The matter has been picked up by several news media outlets.

(b) (6)

(b) (6)

**From:** Muck, Steve CIV SECNAV, DON CIO </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=STEVEN.MUCK> on behalf of Muck, Steve CIV SECNAV, DON CIO  
**Sent:** Tuesday, January 07, 2014 15:40  
**To:** (b)(6)  
**Cc:** Patterson, Robin L CIV OPNAV, DNS-36  
**Subject:** FW: DON CIO Email Alert: Register Now for DON IT Conference, West Coast 2014  
**Signed By:** steven.muck@navy.mil

We will be giving a one hour session regarding PII Safeguards and lessons learned and an hour session on the DON FOIA program including highlights of the FOIAonline implementation on Tuesday 11 February. Please register and join us if your schedule and travel budgets allow. Robin Patterson from DNS should be joining me to present both these sessions.

Steve Muck  
DON CIO Compliance Branch head  
703 695 1297

-----Original Message-----

From: (b)(6)  
Sent: Tuesday, January 07, 2014 3:27 PM  
To: (b)(6)  
Subject: DON CIO Email Alert: Register Now for DON IT Conference, West Coast 2014

DON CIO Email Alert: Register Now for DON IT Conference, West Coast 2014

Registration is now open for the DON IT Conference, West Coast 2014. It has been approved by the Acting Under Secretary of the Navy, and will be held Feb. 10-12, 2014, at the San Diego Convention Center in San Diego, Ca. No conference fee will be assessed, but registration is required.

For details and registration, visit: <http://www.doncio.navy.mil/ContentView.aspx?id=4863>.

Email Alerts are sent out by the Department of the Navy Chief Information Officer to inform you of news related to DON information management and information technology/cyberspace. To have your name deleted from its distribution, please reply to this email.

(b) (6)

**From:**

(b)(6)

**Sent:**

Tuesday, January 07, 2014 15:56

**To:**

Shaw, Phyllis CIV OPNAV, DNS-36C; (b)(6)

**Cc:**

Patterson, Robin L CIV OPNAV, DNS-36; (b)(6)

**Subject:**

RE: (b)(6) resume

**Signed By:**

(b)(6)

Hello Ms. Shaw,

Has this position been approved by the COR as an addition to our Transtecs Contract through OPNAV? I will need to request a contract modification be completed to accomplish or meet your request. Please let me know how you would like Transtecs to proceed.

v/r

(b)(6)

-----Original Message-----

From: Shaw, Phyllis CIV OPNAV, DNS-36C [mailto:mary.p.shaw@navy.mil]

Sent: Tuesday, January 07, 2014 2:09 PM

To: (b)(6)

Cc: Patterson, Robin L CIV OPNAV, DNS-36; (b)(6) Shaw,  
Phyllis CIV OPNAV, DNS-36C

Subject: (b)(6) resume

(b)(6)

After reviewing (b)(6) resume and speaking with Robin this afternoon we would like to have (b)(6) join our DNS-36 Team next week as our

(b)(6)

Most Respectfully,

M. Phyllis Shaw

Senior PA/FOIA Program Analyst

Team Chief & DON FOIA Requester Service Center

OPNAV/SECNAV Privacy/Freedom of Information Program Office

DNS-36

2000 Navy Pentagon

Washington, DC 20350-2000

PA/FOIA SERVICE CENTER: 202-685-0412

Mailbox: DONFOIA-PA@navy.mil

PRIVACY SERVICES: 202-685-6545

DIRECT COM: 202-685-6530 DSN: 325-6530

FAX: 202-685-6580

(b) (6)

**From:** Shaw, Phyllis CIV OPNAV, DNS-36C <mary.p.shaw@navy.mil>  
**Sent:** Monday, February 03, 2014 14:25  
**To:** Hughes CIV Sally  
**Cc:** (b)(6)  
**Subject:** FW: FOIA CASE DON 2014F000383 / NBC Release  
**Signed By:** mary.p.shaw@navy.mil

-----Original Message-----

**From:** (b)(6)  
**Sent:** Tuesday, January 07, 2014 4:00 PM  
**To:** (b) (6) OPNAV, DNS-36; Lupton, Matt CTR OPNAV, DNS-36; (b) (6) OPNAV, DNS-36;  
(b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36; (b) (6) OPNAV, DNS-36;  
(b) (6) OPNAV, DNS-36; (b)(6) Patterson, Robin L CIV OPNAV, DNS-36; Shaw,  
Phyllis CIV OPNAV, DNS-36C  
**Cc:** (b)(6)  
**Subject:** FOIA CASE DON 2014F000383 / NBC Release

DNS-36,

No one is to take any additional action or speak to anyone outside of this office without my approval.

This is being handled at SECNAV level.

V/r,

(b)(6)

(b) (6)

**From:** Muck, Steve CIV SECNAV, DON CIO </O=ORGANIZATION/OU=FIRST ADMINISTRATIVE GROUP/CN=RECIPIENTS/CN=STEVEN.MUCK> on behalf of Muck, Steve CIV SECNAV, DON CIO

**Sent:** Tuesday, January 07, 2014 16:31

**To:** (b)(6)

**Cc:** (b)(6) ECNAV, DON CIO; (b)(6)  
(b)(6) Hughes, Sally CIV HQMC, ARS; Patterson, Robin L CIV OPNAV, DNS-36; Shaw, Phyllis CIV OPNAV, DNS-36C

**Subject:** Attendee List

**Attachments:** Attendee Training List San DiegoFinal.docx

**Signed By:** steven.muck@navy.mil

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

(b)(6) here is the most recent update to the San Diego training sessions. I may add a couple more to the 9th event and will update accordingly.

I could not sort out the date (b)(6) attending from Marine Corps. He will show up on one of the two dates.

Steve